

1 SENATE CORPORATIONS AND TRANSPORTATION COMMITTEE SUBSTITUTE FOR
2 SENATE BILL 905

3 **48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

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10 AN ACT

11 RELATING TO MOTOR VEHICLES; AMENDING AND ENACTING SECTIONS OF
12 THE MOTOR VEHICLE CODE; REQUIRING BACKGROUND INVESTIGATIONS FOR
13 CERTAIN MOTOR VEHICLE DIVISION EMPLOYEES; RECONCILING MULTIPLE
14 AMENDMENTS TO THE SAME SECTION OF LAW IN LAWS 2005; PROVIDING
15 PENALTIES; REPEALING SECTIONS OF THE NMSA 1978.

16
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

18 Section 1. Section 7-14-6 NMSA 1978 (being Laws 1988,
19 Chapter 73, Section 16, as amended) is amended to read:

20 "7-14-6. EXEMPTIONS FROM TAX.--

21 A. ~~[Persons who acquire]~~ A person who acquires a
22 vehicle out of state thirty or more days before establishing a
23 domicile in this state ~~[are]~~ is exempt from the tax if the
24 vehicle was acquired for personal use.

25 B. ~~[Persons]~~ A person applying for a certificate of

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1 title for a vehicle registered in another state [~~are~~] is exempt
2 from the tax if [~~they have~~] the person has previously
3 registered and titled the vehicle in New Mexico and [~~have~~] has
4 owned the vehicle continuously since that time.

5 C. [~~Certificates~~] A vehicle with a certificate of
6 title [~~for all vehicles~~] owned by this state or any political
7 subdivision [~~are~~] is exempt from the tax.

8 [~~D. A vehicle subject to registration under Section~~
9 ~~66-3-16 NMSA 1978 is exempt from the tax.~~

10 [~~E. Persons who acquire~~]

11 D. A person is exempt from the tax if the person
12 has a disability at the time the person purchases a vehicle and
13 can prove to the motor vehicle division of the department or
14 its agent that modifications have been made to the vehicle that
15 are:

16 (1) due to that person's disability; and

17 (2) necessary to enable that person to drive
18 that vehicle or be transported in that vehicle.

19 E. A person is exempt from the tax if the person is
20 a bona fide resident of New Mexico who served in the armed
21 forces of the United States and who suffered, while serving in
22 the armed forces or from a service-connected cause, the loss or
23 complete and total loss of use of:

24 (1) one or both legs at or above the ankle; or

25 (2) one or both arms at or above the wrist.

1 F. A person who acquires a vehicle for subsequent
2 lease shall be exempt from the tax if:

3 (1) the person does not use the vehicle in any
4 manner other than holding it for lease or sale or leasing or
5 selling it in the ordinary course of business;

6 (2) the lease is for a term of more than six
7 months;

8 (3) the receipts from the subsequent lease are
9 subject to the gross receipts tax; and

10 (4) the vehicle does not have a gross vehicle
11 weight of over twenty-six thousand pounds.

12 ~~[F.]~~ G. From July 1, 2004 through June 30, 2009,
13 vehicles that are gasoline-electric hybrid vehicles with a
14 United States environmental protection agency fuel economy
15 rating of at least twenty-seven and one-half miles per gallon
16 are eligible for a one-time exemption from the tax at the time
17 of the issuance of the original certificate of title for the
18 vehicle."

19 Section 2. Section 66-1-4.1 NMSA 1978 (being Laws 1990,
20 Chapter 120, Section 2, as amended) is amended to read:

21 "66-1-4.1. DEFINITIONS.--As used in the Motor Vehicle
22 Code:

23 A. "abandoned vehicle" means a vehicle or motor
24 vehicle that has been determined by a New Mexico law
25 enforcement agency:

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1 (1) to have been left unattended on either
2 public or private property for at least thirty days;

3 (2) not to have been reported stolen;

4 (3) not to have been claimed by any person
5 asserting ownership; and

6 (4) not to have been shown by normal record-
7 checking procedures to be owned by any person;

8 B. "access aisle" means a space designed to allow a
9 person with [~~severe~~] a significant mobility [~~impairment~~]
10 limitation to safely exit and enter a motor vehicle [~~and~~] that
11 is immediately adjacent to a designated [~~disabled~~] parking
12 space for persons with significant mobility limitation and that
13 may be common to two such parking spaces of at least sixty
14 inches in width or, if the parking space is designed for van
15 accessibility, ninety-six inches in width, and clearly marked
16 with blue striping;

17 C. "actual empty weight" means the weight of a
18 vehicle without a load;

19 [~~C.~~] D. "additional place of business", for dealers
20 and auto recyclers, means locations in addition to an
21 established place of business as defined in Section 66-1-4.5
22 NMSA 1978 and meeting all the requirements of an established
23 place of business, except Paragraph (5) of Subsection [B] C of
24 Section 66-1-4.5 NMSA 1978, but "additional place of business"
25 does not mean a location used solely for storage and that is

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1 not used for wrecking, dismantling, sale or resale of vehicles;

2 ~~[D-]~~ E. "alcoholic beverages" means any and all
 3 distilled or rectified spirits, potable alcohol, brandy,
 4 whiskey, rum, gin, aromatic bitters or any similar alcoholic
 5 beverage, including all blended or fermented beverages,
 6 dilutions or mixtures of one or more of the foregoing
 7 containing more than one-half percent alcohol but excluding
 8 medicinal bitters;

9 ~~[E-]~~ F. "authorized emergency vehicle" means any
 10 fire department vehicle, police vehicle, ambulance and any
 11 emergency vehicles of municipal departments or public utilities
 12 that are designated or authorized as emergency vehicles by the
 13 director of the New Mexico state police division of the
 14 department of public safety or local authorities; and

15 ~~[F-]~~ G. "auto recycler" means a person engaged in
 16 this state in an established business that includes acquiring
 17 vehicles that are required to be registered under the Motor
 18 Vehicle Code for the purpose of dismantling, wrecking,
 19 shredding, compacting, crushing or otherwise destroying
 20 vehicles for reclaimable parts or scrap material to sell."

21 Section 3. Section 66-1-4.4 NMSA 1978 (being Laws 1990,
 22 Chapter 120, Section 5, as amended) is amended to read:

23 "66-1-4.4. DEFINITIONS.--As used in the Motor Vehicle
 24 Code:

25 A. "day" means calendar day, unless otherwise

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1 provided in the Motor Vehicle Code;

2 B. "dealer", except as [~~herein~~] specifically
3 excluded, means any person who sells or solicits or advertises
4 the sale of new or used motor vehicles, manufactured homes or
5 trailers subject to registration in this state; "dealer" does
6 not include:

7 (1) receivers, trustees, administrators,
8 executors, guardians or other persons appointed by or acting
9 under judgment, decree or order of any court;

10 (2) public officers while performing their
11 duties as such officers;

12 (3) persons making casual sales of their own
13 vehicles;

14 (4) finance companies, banks and other lending
15 institutions making sales of repossessed vehicles; or

16 (5) licensed brokers under the Manufactured
17 Housing Act who, for a fee, commission or other valuable
18 consideration, engage in brokerage activities related to the
19 sale, exchange or lease purchase of pre-owned manufactured
20 homes on a site installed for a consumer;

21 C. "declared gross weight" means the maximum gross
22 vehicle weight or [~~combination~~] gross combination vehicle
23 weight at which a vehicle or combination will be operated
24 during the registration period, as declared by the registrant
25 for registration and fee purposes; the vehicle or combination

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1 shall have only one declared gross weight for all operating
2 considerations;

3 D. "department" means the taxation and revenue
4 department, the secretary of taxation and revenue or any
5 employee of the department exercising authority lawfully
6 delegated to that employee by the secretary;

7 E. "designated [~~disabled~~] accessible parking space
8 for persons with significant mobility limitation" means any
9 space, including an access aisle, that is marked and reserved
10 for the parking of a passenger vehicle that carries
11 registration plates or a parking placard [~~indicating~~
12 ~~disability~~] with the international symbol of access issued in
13 accordance with Section 66-3-16 NMSA 1978 and that is
14 designated by a conspicuously posted sign bearing the
15 international [~~disabled~~] symbol of [~~a wheelchair~~] access and,
16 if the parking space is paved, by a clearly visible depiction
17 of this symbol painted in blue on the pavement of the space;

18 F. "director" means the secretary;

19 G. "disqualification" means a prohibition against
20 driving a commercial motor vehicle;

21 H. "distinguishing number" means the number
22 assigned by the department to a vehicle whose identifying
23 number has been destroyed or obliterated or the number assigned
24 by the department to a vehicle that has never had an
25 identifying number;

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1 I. "distributor" means [~~any~~] a person who
2 distributes or sells new or used motor vehicles to dealers and
3 who is not a manufacturer;

4 J. "division", without further specification,
5 "division of motor vehicles" or "motor vehicle division" means
6 the department;

7 K. "driver" means every person who drives or is in
8 actual physical control of a motor vehicle, including a
9 motorcycle, upon a highway, who is exercising control over or
10 steering a vehicle being towed by a motor vehicle or who
11 operates or is in actual physical control of an off-highway
12 motor vehicle;

13 L. "driver's license" means a license or a class of
14 license issued by a state or other jurisdiction to an
15 individual that authorizes the individual to drive a motor
16 vehicle; and

17 M. "driveaway-towaway operation" means [~~any~~] an
18 operation in which any motor vehicle, new or used, is the item
19 being transported when one set or more of wheels of any such
20 motor vehicle is on the roadway during the course of
21 transportation, whether or not the motor vehicle furnishes the
22 motive power."

23 Section 4. Section 66-1-4.5 NMSA 1978 (being Laws 1990,
24 Chapter 120, Section 6, as amended) is amended to read:

25 "66-1-4.5. DEFINITIONS.--As used in the Motor Vehicle
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1 Code:

2 A. "electric personal assistive mobility device"
3 means a self-balancing device having two nontandem wheels
4 designed to transport a single person by means of an electric
5 propulsion system with an average power of one horsepower and
6 with a maximum speed on a paved level surface of less than
7 twenty miles per hour when powered solely by its propulsion
8 system and while being ridden by an operator who weighs one
9 hundred seventy pounds;

10 [~~A.~~] B. "essential parts" means all integral and
11 body parts of a vehicle of a type required to be registered by
12 the provisions of the Motor Vehicle Code, the removal,
13 alteration or substitution of which would tend to conceal the
14 identity of the vehicle or substantially alter its appearance,
15 model, type or mode of operation;

16 [~~B.~~] C. "established place of business", for a
17 dealer or auto recycler, means a place:

18 (1) devoted exclusively to the business for
19 which the dealer or auto recycler is licensed and related
20 business;

21 (2) identified by a prominently displayed sign
22 giving the dealer's or auto recycler's trade name used by the
23 business;

24 (3) of sufficient size or space to permit the
25 display of one or more vehicles or to permit the parking or

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1 storing of vehicles to be dismantled or wrecked for recycling;

2 (4) on which there is located an enclosed
3 building on a permanent foundation, which building meets the
4 building requirements of the community and is large enough to
5 accommodate the office or offices of the dealer or auto
6 recycler and large enough to provide a safe place to keep the
7 books and records of the dealer or auto recycler;

8 (5) where the principal portion of the
9 business of the dealer or auto recycler is conducted and where
10 the books and records of the business are kept and maintained;
11 and

12 (6) where vehicle sales are of new vehicles
13 only, such as a department store or a franchisee of a
14 department store, as long as the department store or franchisee
15 keeps the books and records of its vehicle business in a
16 general office location at its place of business; as used in
17 this paragraph, "department store" means a business that offers
18 a variety of merchandise other than vehicles, and sales of the
19 merchandise other than vehicles constitute at least eighty
20 percent of the gross sales of the business; and

21 [~~G.~~] D. "explosives" means any chemical compound or
22 mechanical mixture that is commonly used or intended for the
23 purpose of producing an explosion and that contains any
24 oxidizing and combustive units or other ingredients in such
25 proportions, quantities or packing that an ignition by fire,

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1 friction, concussion, percussion or detonator of any part of
 2 the compound or mixture may cause such a sudden generation of
 3 highly heated gases that the resultant gaseous pressures are
 4 capable of producing destructive effects on contiguous objects
 5 or of destroying life or limb."

6 Section 5. Section 66-1-4.7 NMSA 1978 (being Laws 1990,
 7 Chapter 120, Section 8) is amended to read:

8 "66-1-4.7. DEFINITIONS.--As used in the Motor Vehicle
 9 Code:

10 ~~[A. "gross vehicle weight" means the weight of a~~
 11 ~~vehicle without load, plus the weight of any load thereon;~~

12 ~~B. "gross vehicle weight rating" means the value~~
 13 ~~specified by the manufacturer as the maximum loaded weight of a~~
 14 ~~vehicle or a vehicle combination, or registered gross weight,~~
 15 ~~whichever is greater; the "gross vehicle weight rating" of a~~
 16 ~~vehicle or a vehicle combination is the gross vehicle weight~~
 17 ~~rating of the power unit plus the gross vehicle weight rating~~
 18 ~~of the towed units; and~~

19 ~~C. "gross weight" means gross vehicle weight as~~
 20 ~~defined in this section]~~

21 A. "gross combination vehicle weight" means the
 22 total of the gross vehicle weights of all units of a
 23 combination;

24 B. "gross combination weight rating" means the
 25 value specified by the manufacturer as the loaded weight of a

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1 combination; however, in the absence of a value specified by
2 the manufacturer, the gross combination weight rating shall be
3 determined by adding the gross vehicle weight rating of the
4 power unit and the total weight of the towed unit or units and
5 the load on those units;

6 C. "gross factory shipping weight" means the weight
7 indicated on the manufacturer's certificate of origin;

8 D. "gross vehicle weight" means the weight of a
9 loaded vehicle; and

10 E. "gross vehicle weight rating" means the value
11 specified by the manufacturer as the loaded weight of a single
12 vehicle."

13 Section 6. Section 66-1-4.11 NMSA 1978 (being Laws 1990,
14 Chapter 120, Section 12, as amended) is amended to read:

15 "66-1-4.11. DEFINITIONS.--As used in the Motor Vehicle
16 Code:

17 A. "mail" means any item properly addressed with
18 postage prepaid delivered by the United States postal service
19 or any other public or private enterprise primarily engaged in
20 the transport and delivery of letters, packages and other
21 parcels;

22 B. "manufactured home" means a movable or portable
23 housing structure that exceeds either a width of eight feet or
24 a length of forty feet, constructed to be towed on its own
25 chassis and designed to be installed with or without a

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1 permanent foundation for human occupancy;

2 C. "manufacturer" means every person engaged in the
3 business of constructing or assembling vehicles of a type
4 required to be registered under the Motor Vehicle Code;

5 D. "manufacturer's certificate of origin" means a
6 certification, on a form supplied by or approved by the
7 department, signed by the manufacturer that the new vehicle or
8 boat described ~~[therein]~~ in the certificate has been
9 transferred to the New Mexico dealer or distributor named
10 ~~[therein]~~ in the certificate or to a dealer duly licensed or
11 recognized as such in another state, territory or possession of
12 the United States and that such transfer is the first transfer
13 of the vehicle or boat in ordinary trade and commerce; ~~[Every~~
14 ~~such certificate shall contain space for proper reassignment to~~
15 ~~a New Mexico dealer or to a dealer duly licensed or recognized~~
16 ~~as such in another state, territory or possession of the United~~
17 ~~States, and the certificate shall contain a description of the~~
18 ~~vehicle, the number of cylinders, type of body, engine number~~
19 ~~and the serial number or other standard identification number~~
20 ~~provided by the manufacturer of the vehicle;~~

21 E. ~~"metal tire" means every tire of which the~~
22 ~~surface in contact with the highway is wholly or partly of~~
23 ~~metal or other hard nonresilient material, except that a snow~~
24 ~~tire with metal studs designed to increase traction on ice or~~
25 ~~snow is not considered a metal tire;~~

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1 ~~F.~~ E. "moped" means a two-wheeled or three-wheeled
2 vehicle with an automatic transmission and a motor having a
3 piston displacement of less than fifty cubic centimeters, that
4 is capable of propelling the vehicle at a maximum speed of not
5 more than thirty miles an hour on level ground, at sea level;

6 ~~G.~~ F. "motorcycle" means every motor vehicle
7 having a seat or saddle for the use of the rider and designed
8 to travel on not more than three wheels in contact with the
9 ground, excluding a tractor;

10 ~~H.~~ G. "motor home" means a camping body built on
11 a self-propelled motor vehicle chassis so designed that seating
12 for driver and passengers is within the body itself;

13 ~~I.~~ H. "motor vehicle" means every vehicle that is
14 self-propelled and every vehicle that is propelled by electric
15 power obtained from batteries or from overhead trolley wires,
16 but not operated upon rails; but for the purposes of the
17 Mandatory Financial Responsibility Act, "motor vehicle" does
18 not include "special mobile equipment"; and

19 ~~J.~~ I. "motor vehicle insurance policy" means a
20 policy of vehicle insurance that covers self-propelled vehicles
21 of a kind required to be registered pursuant to New Mexico law
22 for use on the public streets and highways. A "motor vehicle
23 insurance policy":

24 (1) shall include:

25 (a) motor vehicle bodily injury and

1 property damage liability coverages in compliance with the
 2 Mandatory Financial Responsibility Act; and

3 (b) uninsured motorist coverage, subject
 4 to the provisions of Section 66-5-301 NMSA 1978 permitting the
 5 insured to reject such coverage; and

6 (2) may include:

7 (a) physical damage coverage;

8 (b) medical payments coverage; and

9 (c) other coverages that the insured and
 10 the insurer agree to include within the policy."

11 Section 7. Section 66-1-4.12 NMSA 1978 (being Laws 1990,
 12 Chapter 120, Section 13, as amended) is amended to read:

13 "66-1-4.12. DEFINITIONS.--As used in the Motor Vehicle
 14 Code:

15 A. "neighborhood electric car" means a four-wheeled
 16 electric motor vehicle that has a maximum speed of more than
 17 twenty miles per hour but less than twenty-five miles per hour
 18 and complies with the federal requirements specified in 49 CFR
 19 571.500;

20 [~~A.~~] B. "nonrepairable vehicle" means a vehicle of
 21 a type otherwise subject to registration that:

22 (1) has no resale value except as a source of
 23 parts or scrap metal or that the owner irreversibly designates
 24 as a source of parts or scrap metal or for destruction;

25 (2) has been substantially stripped as a

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1 result of theft or is missing all of the bolts on sheet metal
2 body panels, all of the doors and hatches, substantially all of
3 the interior components and substantially all of the grill and
4 light assemblies and has little or no resale value other than
5 its worth as a source of a vehicle identification number that
6 could be used illegally; or

7 (3) is a substantially burned vehicle that has
8 burned to the extent that there are no more usable or
9 repairable body or interior components, tires and wheels or
10 drive train components or that the owner irreversibly
11 designates for destruction or as having little or no resale
12 value other than its worth as a source of scrap metal or as a
13 source of a vehicle identification number that could be used
14 illegally;

15 ~~[B.]~~ C. "nonrepairable vehicle certificate" means a
16 vehicle ownership document conspicuously labeled
17 "NONREPAIRABLE" issued to the owner of the nonrepairable
18 vehicle;

19 ~~[C.]~~ D. "nonresident" means every person who is not
20 a resident of this state;

21 ~~[D.]~~ E. "nonresident commercial driver's license"
22 means a commercial driver's license issued by ~~[a state defined~~
23 ~~within "state" to an individual who resides in]~~ another state
24 to a person domiciled in that state or by a foreign
25 ~~[jurisdiction]~~ country to a person domiciled in that country;

1 and

2 [E-] F. "nonresident's operating privilege" means
 3 the privilege conferred upon a nonresident by the laws of this
 4 state pertaining to the operation by the nonresident of a motor
 5 vehicle, or the use of a motor vehicle owned by the
 6 nonresident, in this state."

7 Section 8. Section 66-1-4.15 NMSA 1978 (being Laws 1990,
 8 Chapter 120, Section 16, as amended) is amended to read:

9 "66-1-4.15. DEFINITIONS.--As used in the Motor Vehicle
 10 Code:

11 A. "railroad" means a carrier of persons or
 12 property upon cars operated upon stationary rails;

13 B. "railroad sign or signal" means any sign, signal
 14 or device erected by authority of a public body or official or
 15 by a railroad and intended to give notice of the presence of
 16 railroad tracks or the approach of a railroad train;

17 C. "railroad train" means a steam engine, electric
 18 or other motor, with or without cars coupled thereto, operated
 19 upon rails;

20 D. "reconstructed vehicle" means any vehicle
 21 assembled or constructed largely by means of essential parts,
 22 new or used, derived from other vehicles or which, if
 23 originally otherwise assembled or constructed, has been
 24 materially altered by the removal of essential parts, new or
 25 used;

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1 E. "recreational travel trailer" means a camping
2 body designed to be drawn by another vehicle;

3 F. "recreational vehicle" means a vehicle with a
4 camping body that has its own motive power, is affixed to or is
5 drawn by another vehicle and includes motor homes, travel
6 trailers and truck campers;

7 G. "registration" means registration certificates
8 and registration plates issued under the laws of New Mexico
9 pertaining to the registration of vehicles;

10 H. "registration number" means the number assigned
11 upon registration by the division to the owner of a vehicle or
12 motor vehicle required to be registered by the Motor Vehicle
13 Code;

14 I. "registration plate" means the plate, marker,
15 sticker or tag assigned by the division for the identification
16 of the registered vehicle;

17 J. "residence district" means the territory
18 contiguous to and including a highway not comprising a business
19 district when the property on the highway for a distance of
20 three hundred feet or more is in the main improved with
21 residences or residences and buildings in use for business;

22 K. "revocation" means that the driver's license and
23 privilege to drive a motor vehicle on the public highways are
24 terminated and shall not be renewed or restored, except that an
25 application for a new license may be presented to and acted

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1 upon by the division after the expiration of at least one year
2 after date of revocation;

3 L. "right of way" means the privilege of the
4 immediate use of the roadway;

5 M. "road tractor" means every motor vehicle
6 designed and used primarily for drawing other vehicles and ~~[not~~
7 ~~so]~~ constructed ~~[as]~~ not to carry ~~[any]~~ a significant load
8 ~~[thereon]~~ on the road tractor, either independently or as any
9 part of the weight of a vehicle or load ~~[so]~~ drawn; and

10 N. "roadway" means that portion of a street or
11 highway improved, designed or ordinarily used for vehicular
12 travel, exclusive of the berm or shoulder ~~[and in the event];~~
13 when a highway includes two or more separate roadways, the term
14 "roadway" refers to ~~[any such]~~ each roadway separately but not
15 to all ~~[such]~~ of the roadways collectively."

16 Section 9. Section 66-1-4.17 NMSA 1978 (being Laws 1990,
17 Chapter 120, Section 18, as amended by Laws 2003, Chapter 141,
18 Section 1 and by Laws 2003, Chapter 164, Section 3) is amended
19 to read:

20 "66-1-4.17. DEFINITIONS.--As used in the Motor Vehicle
21 Code:

22 A. "tank vehicle" means a motor vehicle that is
23 designed to transport any liquid or gaseous material within a
24 tank that is either permanently or temporarily attached to the
25 vehicle or the chassis and that has either a gross vehicle

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1 weight rating of twenty-six thousand one or more pounds or is
2 used in the transportation of hazardous materials requiring
3 placarding of the vehicle under applicable law;

4 B. "taxicab" means a motor vehicle used for hire in
5 the transportation of persons, having a normal seating capacity
6 of not more than seven persons;

7 C. "temporary off-site location" means a location
8 other than a dealer's established or additional place of
9 business that is used exclusively for the display of vehicles
10 or vessels for sale or resale and for related business;

11 [~~E.~~] D. "through highway" means every highway or
12 portion [~~thereof~~] of a highway at the entrance to which
13 vehicular traffic from intersecting highways is required by law
14 to stop before entering or crossing it when stop signs are
15 erected as provided in the Motor Vehicle Code;

16 [~~D.~~] E. "title service company" means a person,
17 other than the department, an agent of the department, a
18 licensed dealer or the motor transportation division of the
19 department of public safety, who for consideration issues
20 temporary registration plates or prepares and submits to the
21 department on behalf of others applications for registration of
22 or title to motor vehicles;

23 [~~E.~~] F. "traffic" means pedestrians, ridden or
24 herded animals, vehicles and other conveyances either singly or
25 together using any highway for purposes of travel;

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1 [F.] G. "traffic-control signal" means any device,
2 whether manually, electrically or mechanically operated, by
3 which traffic is alternately directed to stop and to proceed;

4 [G.] H. "traffic safety bureau" means the traffic
5 safety bureau of the [~~state highway and~~] department of
6 transportation [~~department~~];

7 [H.] I. "trailer" means any vehicle without motive
8 power, designed for carrying persons or property and for being
9 drawn by a motor vehicle, and so constructed that no
10 significant part of its weight rests upon the towing vehicle;

11 J. "transaction" means all operations necessary at
12 one time with respect to one identification card, one driver,
13 one vessel or one vehicle;

14 [I.] K. "transportation inspector" means an
15 employee of the motor transportation division of the department
16 of public safety who has been certified by the director of the
17 division to enter upon and perform inspections of motor
18 carriers' vehicles in operation;

19 [J.] L. "transporter of manufactured homes" means a
20 commercial motor vehicle operation engaged in the business of
21 transporting manufactured homes from the manufacturer's
22 location to the first dealer's location. A "transporter of
23 manufactured homes" may or may not be associated with or
24 affiliated with a particular manufacturer or dealer;

25 [K.] M. "travel trailer" means a trailer with a

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1 camping body and includes recreational travel trailers and
2 camping trailers;

3 [E.] N. "trial court" means the magistrate,
4 municipal or district court that tries the case concerning an
5 alleged violation of a provision of the Motor Vehicle Code;

6 [E.] O. "tribal court" means a court created by a
7 tribe or a court of Indian offense created by the United States
8 secretary of the interior;

9 [M.] P. "tribe" means an Indian nation, tribe or
10 pueblo located wholly or partially in New Mexico;

11 [N.] Q. "truck" means every motor vehicle designed,
12 used or maintained primarily for the transportation of
13 property;

14 [O.] R. "truck camper" means a camping body
15 designed to be loaded onto, or affixed to, the bed or chassis
16 of a truck. A camping body, when combined with a truck or
17 truck cab and chassis, even though not attached permanently,
18 becomes a part of the motor vehicle, and together they are a
19 recreational unit to be known as a "truck camper"; there are
20 three general types of truck campers:

21 (1) "slide-in camper" means a camping body
22 designed to be loaded onto and unloaded from the bed of a
23 pickup truck;

24 (2) "chassis-mount camper" means a camping
25 body designed to be affixed to a truck cab and chassis; and

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1 (3) "pickup cover" or "camper shell" means a
 2 camping body designed to provide an all-weather protective
 3 enclosure over the bed of a pickup truck and to be affixed
 4 ~~[thereto]~~ to the pickup truck; and

5 ~~[P.]~~ S. "truck tractor" means every motor vehicle
 6 designed and used primarily for drawing other vehicles and ~~[not~~
 7 ~~so]~~ constructed ~~[as]~~ to carry ~~[a load other than]~~ a part of the
 8 weight of the vehicle and load ~~[so]~~ drawn."

9 Section 10. Section 66-2-3 NMSA 1978 (being Laws 1978,
 10 Chapter 35, Section 7, as amended) is amended to read:

11 "66-2-3. POWERS AND DUTIES OF DEPARTMENT.--

12 A. The department is vested with the power and is
 13 charged with the duty of observing, administering and enforcing
 14 the Motor Vehicle Code in cooperation with state and local
 15 agencies as provided by law and the provisions of law now
 16 existing or hereinafter enacted ~~[that pertain to the licensing~~
 17 ~~of drivers and that pertain to the financial responsibility of~~
 18 ~~owners and drivers].~~

19 B. The secretary may seek an injunction in any
 20 district court to require compliance with or prohibit violation
 21 of the Motor Vehicle Code. ~~[A request for an injunction may~~
 22 ~~seek the prohibition of the buying, selling, exchanging or~~
 23 ~~operation of vehicles of a type required to be registered under~~
 24 ~~the Motor Vehicle Code.]~~

25 C. A person authorized to carry out the duties

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1 imposed on the department by law is authorized to copy a record
2 or document, including a birth certificate, necessary to
3 establish that an applicant has met the requirements for
4 issuance of a document issued by the department."

5 Section 11. Section 66-2-15 NMSA 1978 (being Laws 1978,
6 Chapter 35, Section 19, as amended) is amended to read:

7 "66-2-15. AGENTS OR DEPARTMENT EMPLOYEES TO REMIT MONEY
8 RECEIVED--BONDS FOR AGENTS OR DEPARTMENT EMPLOYEES.--Agents or
9 department employees shall remit all money received by them in
10 the carrying out of the duty imposed upon them by the Motor
11 Vehicle Code, including ~~[the agents']~~ administrative ~~[service]~~
12 fees. The agents' reports are subject to audit and acceptance
13 by the department. Before undertaking ~~[any]~~ a duty ~~[in]~~ on
14 behalf of the director, the agents shall execute a surety bond,
15 in ~~[such]~~ an amount ~~[as]~~ required by the director ~~[requires]~~
16 and in the form required of public officials by law ~~[of public~~
17 ~~officials]~~. The department shall ~~[have such]~~ designate those
18 employees required to be covered by ~~[such]~~ a bond ~~[as the~~
19 ~~department may designate]."~~

20 Section 12. Section 66-2-16 NMSA 1978 (being Laws 1978,
21 Chapter 35, Section 20, as amended) is amended to read:

22 "66-2-16. ADMINISTRATIVE ~~[SERVICE]~~ FEES--COLLECTION--
23 REMITTANCE--PAYMENT--OPTIONAL ~~[SERVICE]~~ FEES--APPROPRIATION.--

24 A. ~~[The secretary is authorized to establish by~~
25 ~~regulation a schedule of administrative service fees to be~~

1 ~~collected by the~~ The department and its agents ~~[or department]~~
 2 shall collect an administrative fee to defray the department's
 3 costs of operation ~~[of the agents' or department's offices]~~ and
 4 of rendering service to the public. ~~[Fees]~~ The fee shall be
 5 two dollars (\$2.00) for each transaction performed by ~~[the]~~ an
 6 agent or the department ~~[for the secretary]~~ and shall be
 7 collected in addition to all other fees and taxes imposed.

8 B. All sums collected by an agent or the department
 9 as administrative ~~[service]~~ fees shall be remitted as provided
 10 in Section 66-2-15 NMSA 1978.

11 C. Administrative ~~[service]~~ fees remitted by
 12 department employees shall be deposited by the state treasurer
 13 into the motor vehicle suspense fund and distributed in
 14 accordance with Section 66-6-23 NMSA 1978.

15 D. Notwithstanding the provisions of Subsections A
 16 through C of this section, a class A county with a population
 17 exceeding three hundred thousand or municipality with a
 18 population exceeding three hundred thousand within a class A
 19 county designated as an agent pursuant to Section 66-2-14.1
 20 NMSA 1978 shall not be paid ~~[an administrative service]~~ the fee
 21 provided in Subparagraph (b) of Paragraph (1) of Subsection A
 22 of Section 66-6-23 NMSA 1978.

23 E. The secretary is authorized to establish by
 24 ~~[regulation]~~ rule fees to cover the expense of providing
 25 additional services for the convenience of the motoring public.

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1 Any service established for which a fee is adopted pursuant to
2 this subsection shall be optional, with the fee not being
3 charged to any person not taking advantage of the service.

4 Amounts collected pursuant to this subsection are appropriated
5 to the department for the purpose of defraying the expense of
6 providing the service.

7 F. The secretary shall review, at the end of each
8 fiscal year, the aggregate total of motor vehicle transactions
9 performed by each municipality, county or fee agent operating a
10 motor vehicle field office, and identify each office exceeding
11 ten thousand aggregate transactions per year."

12 Section 13. Section 66-3-1 NMSA 1978 (being Laws 1978,
13 Chapter 35, Section 21, as amended) is amended to read:

14 "66-3-1. VEHICLES SUBJECT TO REGISTRATION--
15 EXCEPTIONS.--

16 A. Every motor vehicle, manufactured home, trailer,
17 semitrailer and pole trailer when driven or moved upon a
18 highway and every off-highway motor vehicle is subject to the
19 registration and certificate of title provisions of the Motor
20 Vehicle Code except:

21 (1) any such vehicle driven or moved upon a
22 highway in conformance with the provisions of the Motor Vehicle
23 Code relating to manufacturers, dealers, lien-holders or
24 nonresidents;

25 (2) any such vehicle that is driven or moved

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1 upon a highway only for the purpose of crossing the highway
 2 from one property to another;

3 (3) [~~any~~] an implement of husbandry that is
 4 only incidentally operated or moved upon a highway;

5 (4) [~~any~~] special mobile equipment;

6 (5) [~~any~~] a vehicle that is propelled
 7 exclusively by electric power obtained from overhead trolley
 8 wires though not operated upon rails;

9 (6) a freight [~~trailers~~] trailer if [~~they are~~]
 10 it is:

11 (a) properly registered in another
 12 state;

13 (b) identified by a proper base
 14 registration plate that is properly displayed; and

15 (c) identified by other registration
 16 documents that are in the possession of the operator and
 17 exhibited at the request of a police officer;

18 (7) a freight [~~trailers~~] trailer or utility
 19 [~~trailers~~] trailer owned and used by:

20 (a) a nonresident solely for the
 21 transportation of farm products purchased by the nonresident
 22 from growers or producers of the farm products and transported
 23 in the trailer out of the state;

24 (b) [~~farmers and ranchers~~] a farmer or a
 25 rancher who [~~transport~~] transports to market only the produce,

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underscored material = new
 [bracketed material] = delete

1 animals or fowl produced by ~~[them]~~ that farmer or rancher or
2 who ~~[transport]~~ transports back to ~~[their farms and ranches]~~
3 the farm or ranch supplies for use thereon; or

4 (c) ~~[persons who transport]~~ a person who
5 transports animals to and from fairs, rodeos or other places,
6 except racetracks, where the animals are exhibited or otherwise
7 take part in performances, in trailers drawn by a motor vehicle
8 or truck of less than ten thousand pounds gross vehicle weight
9 rating bearing a proper registration plate, but in no case
10 shall the owner of an unregistered trailer described in this
11 paragraph perform such uses for hire; ~~[and]~~

12 (8) a moped;

13 (9) an electric personal assistive mobility
14 device;

15 ~~[(8) any such]~~ (10) a vehicle moved on a
16 highway by a towing service as defined in Section 59A-50-2 NMSA
17 1978; and

18 (11) an off-highway motor vehicle exempted
19 pursuant to Section 66-3-1005 NMSA 1978.

20 B. ~~[No]~~ A certificate of title need not be obtained
21 for any vehicle of a type subject to registration owned by the
22 government of the United States.

23 ~~[C. Every manufactured home shall be subject to the~~
24 ~~registration and certificate of title provisions of the Motor~~
25 ~~Vehicle Code, and each manufactured home shall at all times~~

1 ~~bear a current registration plate.]"~~

2 Section 14. Section 66-3-2 NMSA 1978 (being Laws 1978,
3 Chapter 35, Section 22, as amended) is amended to read:

4 "66-3-2. REGISTRATION--TRAILERS, SEMITRAILERS, POLE
5 TRAILERS AND FREIGHT TRAILERS.--

6 A. The motor transportation division of the
7 department of public safety and the motor vehicle [~~and motor~~
8 ~~transportation divisions~~] division of the taxation and revenue
9 department, according to their appropriate jurisdictions, shall
10 grant permanent registration to freight trailers subject to
11 registration and may grant [a] permanent registration to
12 utility trailers not used in commerce whose gross vehicle
13 weight is less than six thousand one pounds upon application
14 and payment of the fee required by Section 66-6-3 NMSA 1978.
15 The registration shall expire, however, upon the transfer of
16 title or interest in the vehicle, at which time the vehicle
17 shall be reregistered.

18 B. In registering trailers, semitrailers and pole
19 trailers, the motor transportation division and the motor
20 vehicle [~~and motor transportation divisions~~] division may
21 require such information and documents and may make such tests
22 and investigations as they deem necessary and practicable to
23 determine or to verify the empty weights and gross vehicle
24 weights and to ensure that the vehicles may be safely and
25 legally operated upon the highways of this state."

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1 Section 15. Section 66-3-2.10 NMSA 1978 (being Laws 1972,
2 Chapter 7, Section 42) is amended to read:

3 "66-3-2.10. PROPORTIONAL REGISTRATION NOT EXCLUSIVE.--
4 Nothing contained in the Motor Transportation Act relating to
5 the proportional registration of fleet vehicles shall be
6 construed as requiring any vehicle to be proportionally
7 registered if it is otherwise registered in this state for the
8 operation in which it is engaged, including, but not by way of
9 limitation, [~~regular~~] registration, temporary registration
10 permit or trip permit [~~or registration~~]."

11 Section 16. Section 66-3-4 NMSA 1978 (being Laws 1978,
12 Chapter 35, Section 24, as amended) is amended to read:

13 "66-3-4. APPLICATION FOR REGISTRATION AND CERTIFICATE OF
14 TITLE--NONREPAIRABLE VEHICLE CERTIFICATE.--

15 A. Every owner of a vehicle of a type required to
16 be registered in this state shall make application to the
17 division for the registration and issuance of a certificate of
18 title for the vehicle. Applications shall be upon the
19 appropriate forms furnished by the division and shall bear the
20 signature of the owner written with pen and ink. All
21 applications presented to the division shall contain:

22 (1) for a vehicle other than a recreational
23 vehicle, the name, bona fide New Mexico residence address and
24 mail address of the owner or, if the owner is a firm,
25 association or corporation, the name, bona fide New Mexico

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1 business address and mail address of the firm, association or
2 corporation and for a recreational vehicle, the name, bona fide
3 residence address and mail address of the owner and proof of
4 delivery in New Mexico;

5 (2) a description of the vehicle including,
6 insofar as the hereinafter specified data may exist with
7 respect to a given vehicle, the make, model, type of body,
8 number of cylinders, type of fuel used, serial number of the
9 vehicle, odometer reading, engine or other identification
10 number provided by the manufacturer of the vehicle, whether new
11 or used and, if a vehicle not previously registered, date of
12 sale by the manufacturer or dealer to the person intending to
13 operate the vehicle. In the event a vehicle is designed,
14 constructed, converted or rebuilt for the transportation of
15 property, the application shall include a statement of its
16 rated capacity as established by the manufacturer of the
17 chassis or the complete vehicle;

18 (3) a statement of the applicant's title and
19 of all liens or encumbrances upon the vehicle and the names and
20 addresses of all persons having any interest therein and the
21 nature of every such interest and the name and address of the
22 person to whom the certificate of title shall be delivered by
23 the division;

24 (4) if the vehicle required to be registered
25 is a house trailer, as defined in the Motor Vehicle Code, a

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1 certificate from the treasurer or assessor of the county in
2 which the house trailer is located showing that either:

3 (a) all property taxes due or to become
4 due on the house trailer for the current tax year or any past
5 tax years have been paid; or

6 (b) no liability for property taxes on
7 the house trailer exists for the current year or any past tax
8 years; and

9 (5) further information as may reasonably be
10 required by the division to enable it to determine whether the
11 vehicle is lawfully entitled to registration and the owner
12 entitled to a certificate of title.

13 B. Any owner of a vehicle subject to registration
14 that has never been registered in this state and that has been
15 registered in another state, except manufactured homes, shall
16 have such vehicle examined and inspected for its identification
17 number or engine number by the division or an officer or
18 designated agent thereof incident to securing registration,
19 reregistration or a certificate of title from the division.

20 C. When such application refers to a vehicle not
21 previously registered and the vehicle is purchased from a
22 dealer licensed in this state or a dealer licensed or
23 recognized as such in any other state, territory or possession
24 of the United States, the application shall be accompanied by a
25 manufacturer's certificate of origin duly assigned by the

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1 dealer to the purchaser. In the event that a vehicle not
2 previously registered is sold by the manufacturer to a dealer
3 in a state not requiring a manufacturer's certificate of origin
4 and in the event that the vehicle is subsequently purchased by
5 a dealer or any person in this state, the application for title
6 shall be accompanied by the evidence of title accepted by the
7 state in which the vehicle was sold by the manufacturer to a
8 dealer in that state together with evidence of subsequent
9 transfers.

10 D. Prior to the sale or disposal of a nonrepairable
11 vehicle, the owner, owner's agent or salvage pool shall obtain
12 a properly endorsed nonrepairable vehicle certificate from the
13 department and deliver it to the purchaser within twenty days
14 after payment in full for the nonrepairable vehicle and shall
15 also comply with Section 66-3-10.1 NMSA 1978. The department
16 shall accept the endorsed nonrepairable vehicle certificate in
17 lieu of the certificate of ownership or other evidence of
18 ownership when accompanied by an application and other
19 documents and fees as may be required by the department. A
20 vehicle for which a nonrepairable vehicle certificate has been
21 issued shall not be titled or registered for use on the
22 highways of this state.

23 E. If an insurance company makes a total loss
24 settlement on a nonrepairable vehicle and takes possession of
25 that vehicle, either itself or through an agent or salvage

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1 pool, the insurance company or an authorized agent of the
2 insurance company shall:

3 (1) stamp the face of the title or
4 manufacturer's certificate of origin with the word
5 "NONREPAIRABLE", in letters no less than one-half inch high, at
6 an angle of approximately forty-five degrees to the text of the
7 title or manufacturer's certificate of origin; and

8 (2) within twenty days after receipt of title
9 by the insurer, free and clear of all liens, submit a copy of
10 the branded title or manufacturer's certificate of title to the
11 department together with documents explaining the reason for
12 branding, and shall forward a properly endorsed certificate of
13 title or manufacturer's certificate of origin or other evidence
14 of ownership acceptable to the department together with the
15 proper fee to the department. The department, upon receipt of
16 the title or manufacturer's certificate of origin or other
17 evidence of ownership, shall issue a nonrepairable vehicle
18 certificate for the vehicle.

19 F. If an owner of a nonrepairable vehicle elects to
20 retain possession of the vehicle, the insurance company shall
21 notify the department of the retention on a form prescribed by
22 the department. The insurance company shall also notify the
23 insured or owner of the insured's or owner's responsibility to
24 comply with this section. The owner shall, within twenty days
25 from the date of settlement of the loss, forward a properly

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underscored material = new
[bracketed material] = delete

1 endorsed certificate of title or manufacturer's certificate of
 2 origin or other evidence of ownership acceptable to the
 3 department together with the proper fee to the department. The
 4 department, upon receipt of the title or manufacturer's
 5 certificate of origin or other evidence of ownership, shall
 6 issue a nonrepairable vehicle certificate for the vehicle.

7 G. If a nonrepairable vehicle is not the subject of
 8 an insurance settlement, the owner shall, within twenty days
 9 from the date of the loss, forward a properly endorsed
 10 certificate of title or manufacturer's certificate of origin or
 11 other evidence of ownership acceptable to the department
 12 together with the proper fee to the department. The
 13 department, upon receipt of the title or manufacturer's
 14 certificate of origin or other evidence of ownership, shall
 15 issue a nonrepairable vehicle certificate for the vehicle.

16 H. The department shall not issue a new
 17 registration card and certificate of ownership pursuant to
 18 Subsection A, B or C of this section on a vehicle that has been
 19 issued a nonrepairable vehicle certificate pursuant to
 20 Subsections E, F and G of this section."

21 Section 17. Section 66-3-6 NMSA 1978 (being Laws 1978,
 22 Chapter 35, Section 26, as amended) is amended to read:

23 "66-3-6. TEMPORARY REGISTRATION PERMITS, [~~AND~~]
 24 DEMONSTRATION [~~PLATES~~] PERMITS AND TRANSPORT PERMITS.--

25 A. The department may issue a temporary

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1 registration permit to individuals to operate a vehicle pending
2 action by the department upon an application for registration
3 and certificate of title or renewal of registration when the
4 application is accompanied by the proper fees and taxes. The
5 temporary registration permit shall be valid for a period not
6 to exceed thirty business days from the day it is validated by
7 the department. Temporary registration permits shall not be
8 extended nor another issued except for good cause shown.

9 B. The department may issue a [~~temporary~~]
10 demonstration permit to individuals and financing institutions
11 to operate a vehicle for the purpose of demonstrating the
12 vehicle for resale. The [~~temporary~~] demonstration permit shall
13 be valid for a period not to exceed five business days from the
14 day it is validated by the department. [~~Temporary~~]
15 Demonstration permits shall not be extended nor another issued
16 except for good cause shown.

17 C. The department may issue a [~~temporary~~] transport
18 permit to a manufacturer of vehicles or transporter of
19 manufactured homes for the purpose of demonstrating or
20 transporting the vehicle to a dealer's location. The
21 [~~temporary~~] transport permit shall be valid for a period not to
22 exceed ten business days, shall state the number of days for
23 which the transport permit is valid and shall be validated by
24 the signature of the manufacturer or transporter. [~~Temporary~~]
25 Transport permits shall not be extended nor another issued

1 except for good cause shown.

2 D. The department shall issue [~~or authorize the~~
3 ~~issuance of temporary transportation~~] transport permits to
4 dealers licensed pursuant to Section 66-4-1 NMSA 1978.

5 [~~Temporary transportation~~] Transport permits shall be used only
6 on vehicles held in the inventory of the dealer to whom the
7 transport permits are issued. The transport permits shall be
8 used only for importing vehicles into this state or for
9 transporting vehicles between dealers intrastate. Use of [~~the~~]
10 transport permits pursuant to this section shall be deemed
11 compliance with the requirements of Section 66-3-4 NMSA 1978.
12 The transport permits shall be valid for not more than five
13 [~~additional~~] business days from the date of validation.

14 [~~Temporary transportation~~] Transport permits shall:

- 15 (1) name the dealer to whom the transport
16 permits are issued;
- 17 (2) name the authorized driver of the vehicle;
- 18 (3) show the point of origin and termination
19 of the trip covered by the transport permit; and
- 20 (4) be signed and dated by the dealer who
21 executed the transport permit.

22 E. The department shall issue [~~or authorize the~~
23 ~~issuance of~~] temporary [~~retail-sale~~] registration permits to
24 dealers licensed pursuant to Section 66-4-1 NMSA 1978.

25 Temporary [~~retail-sale~~] registration permits shall be used only

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1 on vehicles sold at retail by the dealer to whom the temporary
2 registration permits are issued and shall not be extended nor
3 another issued for the same vehicle except for good cause
4 shown. Use of the temporary registration permits pursuant to
5 this section shall be deemed compliance with the provisions of
6 Section 66-3-4 NMSA 1978. The temporary registration permits
7 shall be valid for not more than thirty [~~additional~~] days from
8 the date of validation. Temporary [~~retail-sale~~] registration
9 permits shall:

10 (1) name the dealer to whom the temporary
11 registration permits are issued;

12 (2) name the person to whom the vehicle has
13 been sold; and

14 (3) be signed and dated by the dealer who
15 executed the temporary registration permit.

16 F. The department shall issue [~~or authorize the~~
17 ~~issuance of temporary~~] demonstration [~~plates~~] permits to
18 dealers licensed pursuant to Section 66-4-1 NMSA 1978.

19 [~~Temporary~~] Demonstration [~~plates~~] permits shall be used only
20 on vehicles included in the inventory of the dealer to whom the
21 [~~temporary plates~~] demonstration permits are issued. The
22 [~~temporary plates~~] demonstration permits shall be used to allow
23 the operation of vehicles for the limited purposes of testing,
24 demonstrating or preparing a vehicle for sale or lease.

25 [~~Temporary~~] Demonstration [~~plates~~] permits may not be used on

1 work or service vehicles, as that term is defined in Section
 2 66-3-401 NMSA 1978, that are owned, used or held in inventory
 3 by a dealer. Use of the ~~[temporary plates]~~ demonstration
 4 permits pursuant to this section shall be deemed compliance
 5 with the provisions of Section 66-3-4 NMSA 1978. A ~~[temporary]~~
 6 ~~demonstration [plate] permit~~, after being affixed to a specific
 7 vehicle, shall be valid for as long as the vehicle is held in
 8 the dealer's inventory. ~~[dealer who uses temporary~~
 9 ~~demonstration plates is required to maintain a list showing the~~
 10 ~~plate assigned to each specific vehicle and make that list~~
 11 ~~available to the department during normal business hours.~~
 12 ~~Temporary]~~ A dealer who uses demonstration permits is required
 13 to maintain a list showing the date on which the dealer
 14 assigned the permit to a vehicle and the name and a description
 15 of the vehicle, including its make, model, model year and
 16 vehicle identification number. A dealer shall maintain the
 17 list for three years from the end of the year in which the
 18 dealer issued the permit and must make it available to the
 19 department or its agents and to law enforcement officers during
 20 reasonable business hours. When a vehicle is sold, the dealer
 21 shall keep demonstration permits with other records of the
 22 sale. A demonstration [plates] permit shall:

23 (1) name the dealer to whom the ~~[plates are]~~
 24 demonstration permit is issued; and

25 (2) display a unique identification number

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1 assigned by the department.

2 G. ~~[In lieu of issuing temporary transportation~~
3 ~~permits, temporary retail-sale permits or temporary~~
4 ~~demonstration plates to dealers]~~ The department may authorize
5 in writing dealers licensed pursuant to Section 66-4-1 NMSA
6 1978 to print and use at their own cost [~~temporary~~
7 demonstration permits [~~or plates to be used~~] in conformance
8 with the provisions of [~~Subsections D, E and~~] Subsection F of
9 this section, subject to reasonable requirements established by
10 the department.

11 H. The department may authorize agents of the
12 division, in writing, to print and issue demonstration permits
13 to be used by dealers in conformance with the provisions of
14 Subsection F of this section, subject to reasonable
15 requirements established by the department. Agents who issue
16 demonstration permits shall maintain a list showing the date on
17 which the permit was issued and the name of the dealer to whom
18 it was issued. Agents shall maintain the list for three years
19 from the end of the year in which they issued the permit and
20 shall make it available to the department or its agents, and to
21 law enforcement officers, during reasonable business hours. A
22 demonstration permit shall:

23 (1) name the dealer to whom the permit is
24 issued; and

25 (2) display a unique identification number

1 assigned by the department.

2 ~~[H.]~~ I. The department shall prescribe the size,
3 shape and content of all temporary registration permits, ~~[and~~
4 ~~plates]~~ demonstration permits and transport permits authorized
5 by this section. ~~[N.]~~ A temporary registration permit, ~~[or~~
6 ~~plate]~~ demonstration permit or transport permit is not valid
7 until affixed to the vehicle for which it is validated in a
8 manner prescribed by the department.

9 ~~[I.]~~ J. For the misuse of ~~[any]~~ a temporary
10 registration permit, ~~[or plate]~~ demonstration permit or
11 transport permit authorized by this section by an individual,
12 financing institution, manufacturer of vehicles, transporter of
13 manufactured homes, dealer ~~[wrecker or dismantler]~~ or auto
14 recycler, the secretary may revoke or suspend ~~[their]~~ the use
15 of that type of permit after a hearing as provided in Section
16 66-2-17 NMSA 1978.

17 ~~[J.]~~ K. The department shall collect ~~[an]~~ the
18 administrative fee ~~[of fifty cents (\$.50)]~~ imposed in Section
19 66-2-16 NMSA 1978 in addition to the actual cost of the
20 temporary registration permit, ~~[document or plate]~~
21 demonstration permit or transport permit for each ~~[temporary]~~
22 permit ~~[or plate]~~ issued by the department pursuant to this
23 section to individuals, financial institutions, manufacturers,
24 transporters ~~[wreckers or dealers pursuant to this section]~~ or
25 auto recyclers.

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1 [~~K~~] L. The department may issue [~~temporary~~
2 ~~transportation permits~~] temporary [~~retail-sale~~] registration
3 permits, [~~and temporary~~] demonstration [~~plates~~] permits and
4 transport permits to dealers in units of not less than one
5 hundred [~~permits~~] at a fee established by the department to
6 cover the actual cost of the [~~permit or plate documents. No~~]
7 permits. An administrative fee shall not be charged by the
8 department when [~~temporary~~] permits [~~or plates~~] are issued by
9 the department pursuant to the provisions of this subsection.

10 [~~L~~] M. The fees authorized by Subsections [~~J~~] K
11 and [~~K~~] L of this section to cover the actual cost of the
12 [~~temporary permit document or plate~~] permits are appropriated
13 to the department to defray the costs of administering the
14 [~~temporary permit and plate~~] permits program. The department
15 shall remit the administrative fee revenues of this section to
16 the motor vehicle suspense fund to be distributed in accordance
17 with Section 66-6-23 NMSA 1978."

18 Section 18. Section 66-3-16 NMSA 1978 (being Laws 1978,
19 Chapter 35, Section 36, as amended) is amended to read:

20 "66-3-16. [~~SPECIAL~~] DISTINCTIVE REGISTRATION
21 PLATES--[~~DISABLED~~] PERSONS WITH SIGNIFICANT MOBILITY
22 LIMITATION--PARKING PLACARD.--

23 A. The division shall issue distinctive
24 registration plates [~~to any disabled person~~] for use on motor
25 vehicles and motorcycles owned by a person with a significant

1 mobility limitation who [~~se~~] requests a distinctive
 2 registration plate and who proves satisfactorily to the
 3 division that [~~he has suffered the loss, or the complete and~~
 4 ~~total loss of use of, one or both legs at or above the ankle or~~
 5 ~~of one or both arms at or above the wrist for use on motor~~
 6 ~~vehicles owned by the person]~~ the person meets the standard
 7 provided in Subsection I of this section. No fee in addition
 8 to the regular registration fee, if any, applicable to the
 9 motor vehicle or motorcycle shall be collected for issuance of
 10 [~~special~~] distinctive registration plates pursuant to this
 11 section.

12 B. No person shall falsely [~~represent himself to be~~
 13 ~~disabled~~] claim to have a significant mobility limitation so as
 14 to be eligible to be issued a [~~special~~] distinctive
 15 registration plate or a parking placard pursuant to this
 16 section when [~~he is in fact not disabled~~] the person does not
 17 in fact have a significant mobility limitation. Upon notice
 18 and opportunity to be heard, the division may revoke and demand
 19 return of any placard when:

- 20 (1) it was issued in error or with false
 21 information;
 22 (2) the person receiving the placard is no
 23 longer eligible; or
 24 (3) the placard is being used by ineligible
 25 persons.

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1 C. Upon written application to the division
2 accompanied by a medical statement by a licensed physician
3 attesting to the permanent [~~disability~~] significant mobility
4 limitation, a resident of the state who has a [~~disability that~~
5 ~~limits or impairs the ability to walk~~] significant mobility
6 limitation, as provided in [~~Subsection G of~~] this section, may
7 apply for and be [~~granted the issuance of~~] issued no more than
8 two parking placards for display upon a motor vehicle
9 registered to [~~him~~] the person or motor vehicle owned by
10 another person who is transporting [~~him~~] the person with a
11 significant mobility limitation. The physician shall provide
12 the division all information and records necessary to issue a
13 permanent parking placard. Once approved for use of a
14 permanent parking placard, a person with a significant mobility
15 limitation shall not be required to furnish further medical
16 information [~~about his mobility impairment~~].

17 D. A parking placard issued pursuant to this
18 section shall expire on the same date the person's license or
19 identification card issued pursuant to Section 66-5-401 NMSA
20 1978 expires.

21 E. The division shall issue two-sided hanger-style
22 parking placards with the following characteristics:

23 (1) a picture of the international symbol of
24 access; [~~shall be displayed on both sides of the placard and~~
25 ~~shall be at least three inches in height, centered on the~~

1 ~~placard and white on a blue field;~~

2 ~~(2) an identification number enabling the~~
 3 ~~division to identify the holder of each placard. The division~~
 4 ~~shall maintain this information in a readily retrievable~~
 5 ~~format, provide it to the governor's committee on concerns of~~
 6 ~~the handicapped and make it available on demand to any law~~
 7 ~~enforcement agency just as it provides vehicle registration and~~
 8 ~~driver's license information;~~

9 ~~(3) the date of expiration; and~~

10 ~~(4) the division seal or other identification~~
 11 ~~of the issuing authority]~~

12 (2) a hologram to make duplication difficult;

13 (3) an imprinted expiration date; and

14 (4) a full-face photograph of the holder on
 15 the inside of the placard covered by a flap.

16 F. The division shall consult with the governor's
 17 commission on disability for continued issuance and format of
 18 the placard.

19 G. The division may issue an identification card
 20 containing a full-face photograph of the holder of the
 21 registration plate or parking placard and the number of the
 22 registration plate or parking placard issued to that person.

23 ~~[F.]~~ H. Upon written application to the division
 24 accompanied by a medical statement from a licensed physician
 25 attesting to a temporary [disability] significant mobility

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underscored material = new
 [bracketed material] = delete

1 limitation, a person [~~who has a temporary disability that~~
2 ~~limits or impairs the ability to walk~~] may be issued a
3 temporary placard for no more than one year. The physician
4 shall provide the division all information and records
5 necessary to issue a temporary placard.

6 ~~[G. For the purpose of obtaining a placard, a~~
7 ~~person with a "severe mobility impairment" means the person:~~

8 ~~(1) cannot walk one hundred feet without~~
9 ~~stopping to rest;~~

10 ~~(2) cannot walk without the use of a brace, a~~
11 ~~cane, a crutch, assistance from another person, a prosthetic~~
12 ~~device, a wheelchair or another assistive device;~~

13 ~~(3) is restricted by lung disease to such an~~
14 ~~extent that the person's forced respiratory volume, when~~
15 ~~exhaling for one second, when measured by spirometry, is less~~
16 ~~than one liter or the arterial oxygen tension is less than~~
17 ~~sixty millimeters on room air at rest;~~

18 ~~(4) uses portable oxygen;~~

19 ~~(5) has a severe cardiac condition; or~~

20 ~~(6) is so severely limited in his ability to~~
21 ~~walk due to an arthritic, neurologic or orthopedic condition~~
22 ~~that the person cannot ascend or descend more than ten stair~~
23 ~~steps.~~

24 H. ~~Special~~] I. Registration plates or parking
25 placards issued to a person with [~~severe~~] a significant

1 mobility [~~impairment~~] limitation by another state or foreign
 2 jurisdiction shall be honored until the motor vehicle or
 3 motorcycle is registered or the parking placard holder
 4 establishes residency in this state.

5 ~~[I. All parking placards issued on or after July 1,~~
 6 ~~1999 shall be issued in accordance with the provisions of this~~
 7 ~~section.]~~

8 J. A person with a significant mobility limitation
 9 means a person who:

10 (1) cannot walk one hundred feet without
 11 stopping to rest;

12 (2) cannot walk without the use of a brace,
 13 cane or crutch or without assistance from another person, a
 14 prosthetic device, a wheelchair or other assistive device;

15 (3) is restricted by lung disease to such an
 16 extent that the person's forced respiratory volume, when
 17 exhaling for one second, when measured by spirometry, is less
 18 than one liter or the arterial oxygen tension is less than
 19 sixty millimeters on room air at rest;

20 (4) uses portable oxygen;

21 (5) has a severe cardiac condition; or

22 (6) is so severely limited in the ability to
 23 walk due to an arthritic, neurologic or orthopedic condition
 24 that the person cannot ascend or descend more than ten stair
 25 steps."

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underscored material = new
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1 Section 19. Section 66-3-16.1 NMSA 1978 (being Laws 1995,
2 Chapter 129, Section 2, as amended) is amended to read:

3 "66-3-16.1. PROHIBITED ACTS--PENALTIES.--

4 A. Any person who provides false information in
5 order to acquire, or who assists an unqualified person to
6 acquire, a special registration plate or parking placard as
7 provided in Section 66-3-16 NMSA 1978 is guilty of a
8 misdemeanor and shall be sentenced pursuant to the provisions
9 of Section 31-19-1 NMSA 1978.

10 B. Any person, other than the person to whom a
11 special registration plate or a parking placard was issued, who
12 in the absence of the holder of the plate or placard, parks in
13 a designated [~~disabled~~] accessible parking space for persons
14 with significant mobility limitation while displaying the plate
15 or placard, is guilty of a misdemeanor and upon conviction
16 shall be sentenced pursuant to the provisions of Section
17 31-19-1 NMSA 1978.

18 C. A special registration plate or parking placard
19 displayed on a vehicle parked in a designated [~~disabled~~]
20 accessible parking space for persons with significant mobility
21 limitation in the absence of the holder of that plate or
22 placard is subject to immediate seizure by a law enforcement
23 official and if seized shall be delivered to the division
24 within seventy-two hours. Failure to surrender the parking
25 placard on demand of a law enforcement officer is a petty

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1 misdemeanor and punishable by a fine not to exceed one hundred
2 dollars (\$100)."

3 Section 20. Section 66-3-18 NMSA 1978 (being Laws 1978,
4 Chapter 35, Section 38, as amended) is amended to read:

5 "66-3-18. DISPLAY OF REGISTRATION PLATES AND TEMPORARY
6 REGISTRATION PERMITS [~~AND PLATES~~]~~--DISPLAYS PROHIBITED AND~~
7 ALLOWED.--

8 A. The registration plate shall be attached to the
9 rear of the vehicle for which it is issued; however, the
10 registration plate shall be attached to the front of a road
11 tractor or truck tractor. The plate shall be securely fastened
12 at all times in a fixed horizontal position at a height of not
13 less than twelve inches from the ground, measuring from the
14 bottom of the plate. It shall be in a place and position so as
15 to be clearly visible, and it shall be maintained free from
16 foreign material and in a condition to be clearly legible.

17 B. [Temporary] A demonstration [~~plates and~~] or
18 temporary registration [~~permits~~] permit shall be firmly affixed
19 to the inside left rear window of the vehicle to which it is
20 issued, unless such display presents a safety hazard or the
21 demonstration or temporary registration permit is not visible
22 or readable from that position, in which case, the
23 demonstration or temporary registration permit shall be
24 displayed in such a manner that it is clearly visible from the
25 rear or left side of the vehicle.

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1 C. No vehicle while being operated on the highways
2 of this state shall have displayed either on the front or the
3 rear of the vehicle any registration plate, including ~~[tab or]~~
4 validating sticker, other than one issued or validated for the
5 current registration period by the department or any other
6 licensing authority having jurisdiction over the vehicle. No
7 expired registration plate ~~[tab]~~ or validating sticker shall be
8 displayed on the vehicle other than an expired special
9 registration plate, which may be exhibited on the front of the
10 vehicle.

11 D. Nothing contained in this section shall be
12 construed as prohibiting the use of a promotional or
13 advertising plate on the front of the vehicle."

14 Section 21. Section 66-3-20.1 NMSA 1978 (being Laws
15 1988, Chapter 94, Section 1, as amended) is amended to read:

16 "66-3-20.1. PROVIDING FOR EXTENDED REGISTRATION PERIODS
17 FOR CERTAIN MOTOR VEHICLES--CREDIT FOR UNEXPIRED PORTION OF
18 FEE.--

19 A. ~~[Registrations of]~~ All vehicles, motorcycles
20 or trucks with a declared gross weight of twenty-six thousand
21 pounds or less may be registered for a period of ~~[up to]~~ two
22 years; provided the ~~[extended]~~ two-year registration period
23 shall begin on the first day of any month and expire on the
24 last day of any month.

25 B. The fee for ~~[an extended]~~ a two-year

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1 registration [~~period~~] shall be twice the fee for a one-year
 2 registration. [~~for one year divided by four and multiplied~~
 3 ~~by the number of calendar quarters in the registration period~~
 4 ~~with any fraction of a quarter year to be considered a full~~
 5 ~~quarter.~~

6 C. ~~A refund shall not be permitted for the first~~
 7 ~~year of registration. A refund shall be permitted during the~~
 8 ~~second year of registration for a quarter during which a~~
 9 ~~person applying for the refund did not own the vehicle for~~
 10 ~~which the refund is requested.~~

11 ~~D.]~~ C. If the owner of a vehicle that is
 12 registered for [~~an extended registration period~~] two years
 13 sells, transfers or assigns title to or interest [~~to~~] in the
 14 vehicle within the first year of registration and applies to
 15 have the registration number assigned to another vehicle
 16 pursuant to Section 66-3-101 NMSA 1978, upon assignment, [~~a~~
 17 ~~credit amount representing the unexpired portion~~] the person
 18 may apply for a refund of one-half of the two-
 19 year registration fee [~~plus an administrative fee to be~~
 20 ~~determined by the department shall be applied, on a pro rata~~
 21 ~~basis, to the registration fee for the vehicle to which the~~
 22 ~~registration number is assigned]."~~

23 Section 22. Section 66-3-21 NMSA 1978 (being Laws 1978,
 24 Chapter 35, Section 41) is amended to read:

25 "66-3-21. VEHICLE EXCEEDING DECLARED GROSS WEIGHT.--

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1 A. Except as otherwise provided by law, a vehicle
2 or combination shall not be operated upon the public highways
3 of this state when the gross vehicle weight or [~~combination~~]
4 gross combination vehicle weight exceeds the declared gross
5 weight. Any person violating the provisions of this section
6 shall be:

7 (1) assessed a penalty for the lapsed
8 portion of the registration period in an amount equal to the
9 difference between the fee for the declared gross weight and
10 the fee for the gross vehicle weight or [~~combination~~] gross
11 combination vehicle weight at which the vehicle or
12 combination was weighed; and

13 (2) required to register the vehicle or
14 combination at the higher declared gross weight in accordance
15 with the weight at the time of the violation for the
16 remainder of the registration period and to pay [~~the~~] that
17 fee [~~therefore~~].

18 B. Such registration shall not be construed to
19 authorize the movement of loads in violation of the state's
20 size and weight laws."

21 Section 23. Section 66-3-24 NMSA 1978 (being Laws 1978,
22 Chapter 35, Section 44, as amended) is amended to read:

23 "66-3-24. LOST OR DAMAGED CERTIFICATES, REGISTRATION
24 EVIDENCE OR PLATES.--

25 A. In the event any registration evidence or

1 registration plate is lost, mutilated or becomes illegible,
2 the owner or legal representative or successor in interest of
3 the owner of the vehicle for which the registration evidence
4 or registration plate was issued as shown by the records of
5 the division shall immediately make application for and may
6 obtain a duplicate [~~or a substitute~~] or a new registration
7 under a new registration number as determined to be the most
8 advisable by the division upon the applicant furnishing
9 information satisfactory to the division.

10 B. In the event any certificate of title is lost,
11 mutilated or becomes illegible, the owner or legal
12 representative or successor in interest of the owner of the
13 boat required to be titled under the provisions of the Boat
14 Act or the vehicle for which the certificate of title was
15 issued as shown by the records of the division shall
16 immediately make application for and may obtain a duplicate
17 upon the applicant furnishing information satisfactory to the
18 division. In the event a lien or encumbrance is filed of
19 record with the division, the division shall require the
20 application for the duplicate certificate of title to be
21 signed by the holder of the lien or encumbrance. Upon
22 issuance of any duplicate certificate of title, the previous
23 certificate last issued is void.

24 C. In the absence of the regularly required
25 supporting evidence of ownership upon application for

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1 certificate of title, registration or transfer of a boat
2 required to be titled under the provisions of the Boat Act or
3 a vehicle, the division may accept an undertaking or surety
4 bond, in an amount double the value of the boat or vehicle,
5 which shall be conditioned to protect the department and all
6 officers and employees of the department and any subsequent
7 purchaser of the boat or vehicle, any person holding or
8 acquiring a lien or security interest on the boat or vehicle
9 or the successor in interest of the purchaser or person
10 against any loss or damage on account of any defect in or
11 undisclosed claim upon the right, title and interest of the
12 applicant or other person in and to the boat or vehicle. The
13 bond shall run to the true owner or the lienholder. The bond
14 shall expire three years after the date it became effective."

15 Section 24. Section 66-3-101 NMSA 1978 (being Laws
16 1978, Chapter 35, Section 48, as amended) is amended to read:

17 "66-3-101. TRANSFER BY OWNER--RECORDATION OF MILEAGE OF
18 VEHICLE--USE OF THE PLATE AND REGISTRATION NUMBER ON ANOTHER
19 VEHICLE.--

20 A. When the owner of a registered vehicle sells,
21 transfers or assigns [~~his~~] the owner's title to or interest
22 in, and delivers the possession of, the vehicle to another,
23 the registration of the vehicle shall expire [~~except as~~
24 ~~provided in Subsection B of this section~~]. The previous
25 owner shall notify the division of the sale or transfer

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1 giving the date thereof, the name and address of the new
2 owner and such description of the vehicle as may be required
3 in the appropriate form provided for such purpose by the
4 division. In the case of any transfer, including but not
5 limited to a transfer resulting from a sale, lease, gift or
6 auction of any vehicle, the person making the transfer shall
7 sign and shall record on the document evidencing the transfer
8 of the vehicle the actual mileage of the vehicle as indicated
9 by the vehicle's odometer at the time of the transfer.

10 B. When the owner of a registered vehicle sells,
11 transfers or assigns title to or interest in the vehicle, the
12 owner shall remove the registration plates from the vehicle,
13 except as provided in Subsection C of this section, and
14 ~~[within thirty days from the date of transfer]~~ either forward
15 the registration plates to the division or its authorized
16 agent to be destroyed or ~~[may]~~ apply to have the plate and
17 the registration number assigned to another vehicle ~~[as~~
18 ~~provided for in Section 66-3-104 NMSA 1978, upon the payment~~
19 ~~of the difference, if any, between the paid registration fee~~
20 ~~and the new registration fee less a credit amount, if~~
21 ~~applicable, representing the unexpired portion of the~~
22 ~~registration fee as provided in Section 66-3-20.1 NMSA~~
23 ~~1978 and the transfer fee provided by law and subject to the~~
24 ~~rules of the division]~~ of the same class. The division may
25 assign the plate and registration number to the newly

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1 acquired vehicle of the same class only upon payment of the
2 registration fee, if applicable, and only if the application
3 is made in the name of the original registered owner, unless
4 the owner's name has been changed by marriage, divorce or
5 court order.

6 C. When the owner of a vehicle bearing a current
7 registration plate of a foreign state, territory or country
8 transfers or assigns [~~his~~] the owner's title or interest in
9 the vehicle, the foreign registration plate shall be
10 delivered, together with the title to the vehicle and
11 evidence of registration, to the division or its authorized
12 agent at the time application is made for a New Mexico
13 registration plate, except when the assignment or transfer of
14 the title is to a bona fide resident of the foreign state,
15 territory or country in which the vehicle is registered.

16 D. The registration plate shall not be displayed
17 on the newly acquired vehicle until the registration of the
18 vehicle has been completed and a new registration certificate
19 issued. However, the temporary registration permit issued
20 for the vehicle by the dealer pursuant to the provisions of
21 Section 66-3-6 NMSA 1978 shall be displayed in accordance
22 with Subsection B of Section 66-3-18 NMSA 1978."

23 Section 25. Section 66-3-107 NMSA 1978 (being Laws
24 1978, Chapter 35, Section 54, as amended) is amended to read:

25 "66-3-107. DUTIES OF SELLER OR TRANSFEROR--ADDITIONAL

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1 DUTIES OF DEALERS--APPLICATION FOR [~~TRANSFER~~] REGISTRATION--
2 PENALTY--MILEAGE OF VEHICLE.--

3 A. Any seller or transferor, including a dealer,
4 of a vehicle required to be registered pursuant to the Motor
5 Vehicle Code shall furnish to the purchaser upon delivery the
6 necessary title properly assigned and shall inform the
7 purchaser that application for [~~transfer~~] registration must
8 be filed with the department within thirty days of the date
9 of sale. When a dealer licensed pursuant to Section 66-4-1
10 NMSA 1978 allows a vehicle to be purchased over a period of
11 time pursuant to an expressed or implied contract and elects
12 to retain a security interest in the vehicle, the dealer
13 shall collect the necessary [~~transfer~~] registration fees from
14 the purchaser upon delivery of the vehicle and shall, within
15 thirty days, pay all [~~transfer~~] registration fees due on the
16 vehicle to the department and shall give to the new purchaser
17 the new registration certificate in the purchaser's name.

18 B. Every dealer, upon transferring by sale, lease
19 or otherwise any vehicle, whether new or used, of a type
20 subject to registration pursuant to the Motor Vehicle Code
21 shall give written notice of the transfer to the department
22 upon an appropriate form provided by the department.

23 C. Except as otherwise provided in this
24 [~~subsection~~] section, the dealer shall indicate on the form
25 the actual mileage of the vehicle as indicated by the

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1 vehicle's odometer at the time of the transfer.

2 D. A sale shall be deemed completed and
3 consummated when the purchaser of that vehicle has paid the
4 purchase price or, in lieu thereof, has signed a purchase
5 contract or security agreement and taken physical possession
6 or delivery of that vehicle.

7 E. Failure to apply for [~~transfer~~] assignment of
8 registration and issuance of a new certificate of title
9 within thirty days from the date of sale, transfer or
10 assignment of a vehicle subjects the [~~transferee~~] owner of
11 the newly acquired vehicle to a penalty of twenty dollars
12 (\$20.00), which shall be collected by the department and
13 shall be in addition to other fees and penalties provided by
14 law."

15 Section 26. Section 66-3-118 NMSA 1978 (being Laws
16 1978, Chapter 35, Section 65) is amended to read:

17 "66-3-118. MANUFACTURER'S CERTIFICATE OF ORIGIN--
18 TRANSFER OF VEHICLE NOT PREVIOUSLY REGISTERED.--

19 A. Whenever a manufacturer or the agent or
20 distributor of [~~such~~] a manufacturer [~~shall transfer~~]
21 transfers a vehicle, not previously registered, to a dealer
22 in this state, the manufacturer, agent or distributor at the
23 time of transfer of the vehicle shall deliver to the dealer a
24 manufacturer's certificate of origin. [~~Such~~] The certificate
25 shall be signed by the manufacturer and shall specify that

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1 the vehicle described [~~therein~~] has been transferred to the
 2 dealer named [~~therein~~] and that [~~such~~] the transfer is the
 3 first transfer of the vehicle in ordinary trade and commerce.

4 B. The certificate shall contain a description of
 5 the vehicle, number of cylinders, type of body, engine
 6 number, serial number or other standard identification number
 7 provided by the manufacturer of the vehicle and space for
 8 proper reassignment to a New Mexico dealer or to a dealer
 9 duly licensed or recognized as such in another state,
 10 territory or possession of the United States.

11 [~~B.~~] C. Any dealer when transferring a vehicle,
 12 not previously registered, to another dealer shall, at the
 13 time of transfer, give the transferee the proper
 14 manufacturer's certificate of origin fully assigned to the
 15 transferee.

16 [~~C.~~] D. When a vehicle not previously registered
 17 is transferred to a dealer who does not hold a franchise
 18 granted by the manufacturer of the vehicle to sell that type
 19 or model of vehicle, the transferee must obtain a
 20 registration of the vehicle and certificate of title but
 21 shall not be required to pay the excise tax imposed by
 22 Section [~~64-6-27 NMSA 1953~~] 7-14-3 NMSA 1978."

23 Section 27. Section 66-3-302 NMSA 1978 (being Laws
 24 1978, Chapter 35, Section 78, as amended) is amended to read:

25 "66-3-302. CARAVAN FEE.--

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1 A. A person or an employee, agent or
2 representative of that person shall not use the highways of
3 New Mexico for the transportation of any vehicle, regardless
4 of whether the vehicle is registered in another state or
5 whether the vehicle is transported on its own wheels or on
6 another vehicle or by being drawn or towed behind another, if
7 the vehicle is transported by any person or the agents or
8 employees of that person engaged in the business of
9 transporting vehicles or if the vehicle is being transported
10 for the purpose of delivery to any purchaser of the vehicle
11 on a sale or contract of sale previously made, unless the
12 vehicle carries:

13 (1) a valid New Mexico registration plate;

14 (2) a valid dealer's plate issued by the
15 department;

16 (3) a special permit for the use of the
17 highways of this state for the transportation of the vehicle
18 in the manner in which the vehicle is being transported,
19 which has first been obtained and the fee paid as specified
20 in this section; or

21 (4) a valid temporary transportation permit
22 issued under Subsection B of Section 66-3-6 NMSA 1978.

23 B. Special permits for the use of the highways of
24 this state for the transportation of such vehicles shall be
25 issued by the department of public safety upon application on

1 the form prescribed by the department of public safety and
2 upon payment of a fee of ten dollars (\$10.00) for each
3 vehicle transported by use of its own power and a fee of
4 seven dollars (\$7.00) for each vehicle carried in or on
5 another vehicle or towed or drawn by another vehicle and not
6 transported in whole or in part by the use of its own power.
7 A fee imposed pursuant to this section may be referred to as
8 a "caravan fee". Every permit shall show upon its face the
9 registration number assigned to each vehicle, the name and
10 address of the owner, the manner of transportation authorized
11 and a description of the vehicle registered, including the
12 engine number. The permit shall be carried at all times by
13 the person in charge of the vehicle. A suitable tag or
14 placard for each vehicle may be issued by the department of
15 public safety and, if issued, shall be at all times displayed
16 on each vehicle being transported. The permit, tag or
17 placard shall not be used upon or in connection with the
18 transportation of any vehicle other than the one for which
19 the permit, tag or placard is issued.

20 C. A caravan fee shall not apply to the
21 transportation of vehicles carried on another vehicle for the
22 operation of which a weight distance tax is paid, nor shall
23 the vehicle transported be required to carry a registration
24 plate or temporary transportation permits. The motor
25 transportation [~~division of the department~~] and the New

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1 Mexico state police divisions of the department of public
2 safety are authorized to impound any vehicle transported in
3 violation of the Motor Transportation Act until a proper
4 permit has been secured and any fine levied has been paid."

5 Section 28. Section 66-3-401 NMSA 1978 (being Laws
6 1978, Chapter 35, Section 80, as amended) is amended to read:

7 "66-3-401. OPERATION OF VEHICLES UNDER [~~SPECIAL~~] DEALER
8 PLATES.--

9 A. Any vehicle that is required to be registered
10 pursuant to the Motor Vehicle Code and that is included in
11 the inventory of [~~an auto recycler or~~] a dealer may be
12 operated or moved upon the highways for any purpose, provided
13 that the vehicle display in the manner prescribed in Section
14 66-3-18 NMSA 1978 a [~~special~~] unique plate issued to the
15 dealer [~~or auto recycler~~] as provided in Section 66-3-402
16 NMSA 1978. This subsection shall not be construed as
17 limiting the use of temporary registration permits issued to
18 dealers pursuant to Section 66-3-6 NMSA 1978. Each dealer
19 plate shall be issued for a specific vehicle in a dealer's
20 inventory. If a dealer wishes to use the plate on a
21 different vehicle, the dealer must reregister that plate to
22 the different vehicle.

23 B. The provisions of this section do not apply to
24 work or service vehicles used by [~~an auto recycler or~~] a
25 dealer. For the purposes of this subsection, "work or

1 service vehicle" includes any vehicle used substantially as

2 a:

3 (1) parts or delivery vehicle;

4 (2) vehicle used to tow another vehicle;

5 (3) courtesy shuttle; or

6 (4) vehicle loaned to customers for their

7 convenience.

8 C. Each vehicle included in a dealer's inventory
9 required to be registered pursuant to the provisions of
10 Subsection A of this section must conform to the registration
11 provisions of the Motor Vehicle Code, but is not required to
12 be titled pursuant to the provisions of that code. When a
13 vehicle is no longer included in a dealer's inventory, and is
14 not sold or leased to an unrelated entity, the dealer must
15 title the vehicle and pay the motor vehicle excise tax that
16 would have been due when the vehicle was first registered by
17 the dealer.

18 D. In lieu of the use of ~~[special]~~ dealer plates
19 pursuant to this section, a dealer ~~[or auto recycler]~~ may
20 register and title a vehicle included in a dealer's inventory
21 in the name of the dealer ~~[or auto recycler]~~ upon payment of
22 the registration fee applicable to that vehicle, but without
23 payment of the motor vehicle excise tax, provided the vehicle
24 is subsequently sold or leased in the ordinary course of
25 business in a transaction subject to the motor vehicle excise

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1 tax or the leased vehicle gross receipts tax."

2 Section 29. Section 66-3-401.1 NMSA 1978 (being Laws
3 1998, Chapter 48, Section 9, as amended) is amended to read:

4 "66-3-401.1. USE OF VEHICLES WITH [~~SPECIAL~~] DEALER
5 PLATES BY COACHES AND ATHLETIC DIRECTORS.--

6 A. Pursuant to Section 66-3-401 NMSA 1978, a
7 dealer may register a vehicle in the name of the dealer for
8 the purpose of providing the use of a vehicle from the
9 inventory of the dealer to a full-time coach or athletic
10 director at any state-supported four-year institution of
11 higher education in New Mexico.

12 B. A vehicle that a dealer elects to register
13 pursuant to Subsection A of this section is not required to
14 be titled pursuant to the provisions of the Motor Vehicle
15 Code, but the vehicle must be included in the driver's
16 inventory for Internal Revenue Code of 1986 purposes and
17 transferred to the full-time coach or athletic director under
18 conditions that require the dealer to report the value of the
19 use of the vehicle as income to the full-time coach or
20 athletic director.

21 C. The number of vehicles registered and used
22 pursuant to the provisions of this section shall be excluded
23 when determining compliance with the maximum number of
24 [~~special~~] dealer plates allowed pursuant to Subsection B of
25 Section 66-3-402 NMSA 1978."

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1 Section 30. Section 66-3-402 NMSA 1978 (being Laws
 2 1978, Chapter 35, Section 81, as amended) is amended to read:

3 "66-3-402. APPLICATION FOR ~~[SPECIAL]~~ DEALER PLATES.--

4 A. ~~[An auto recycler or]~~ A dealer may apply to
 5 the department ~~[upon]~~ on the appropriate form for one or more
 6 ~~[special]~~ dealer plates. The applicant shall submit proof of
 7 being a bona fide ~~[auto recycler or]~~ dealer as may reasonably
 8 be required by the department.

9 B. The maximum number of ~~[special]~~ dealer plates
 10 for which a dealer of new or used motor vehicles or
 11 motorcycles may apply pursuant to this section shall be:

12 (1) for a dealer who sold in the previous
 13 calendar year five or more but fewer than fifty vehicles, one
 14 plate;

15 (2) for a dealer who sold in the previous
 16 calendar year more than fifty but fewer than one hundred
 17 vehicles, three plates;

18 (3) for a dealer who sold in the previous
 19 calendar year more than one hundred but fewer than five
 20 hundred vehicles, five plates; and

21 (4) for a dealer who sold in the previous
 22 calendar year five hundred or more vehicles, ten plates.

23 ~~[C. The maximum number of special dealer plates
 24 for which an auto recycler may apply pursuant to this section
 25 shall be:~~

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underscored material = new
 [bracketed material] = delete

1 ~~(1) for an auto recycler who wrecked or~~
2 ~~dismantled three or more but fewer than fifty vehicles, one~~
3 ~~plate;~~

4 ~~(2) for an auto recycler who wrecked or~~
5 ~~dismantled fifty or more but fewer than one hundred vehicles,~~
6 ~~three plates;~~

7 ~~(3) for an auto recycler who wrecked or~~
8 ~~dismantled one hundred or more but fewer than five hundred~~
9 ~~vehicles, five plates; and~~

10 ~~(4) for an auto recycler who wrecked or~~
11 ~~dismantled five hundred vehicles or more, ten plates.~~

12 ~~D.]~~ C. A dealer [~~or auto recycler~~] shall be
13 entitled to five plates in the first calendar year in which
14 it begins business. A dealer [~~or auto recycler~~] who is
15 licensed pursuant to the provisions of Section 66-4-1 NMSA
16 1978 on or after August 1 of any calendar year shall also be
17 entitled to five plates in the calendar year following the
18 year in which it is first licensed to do business.

19 ~~[E.]~~ D. The department upon granting application
20 shall issue to the applicant a certificate containing the
21 applicant's name and address and the numbers of the [~~special~~]
22 dealer plates assigned to the applicant."

23 Section 31. Section 66-3-403 NMSA 1978 (being Laws
24 1978, Chapter 35, Section 82, as amended) is amended to read:

25 "66-3-403. EXPIRATION OF [~~SPECIAL~~] DEALER PLATES.--

1 Every [~~special~~] dealer plate issued pursuant to Section
 2 66-3-402 NMSA 1978 expires at midnight on December 31 of each
 3 year. Upon payment of the proper fee, the person to whom the
 4 [~~special~~] dealer plate was issued may apply to the department
 5 for a new plate or validating sticker for the ensuing year.
 6 Renewal of all [~~special~~] dealer plates shall be on or before
 7 December 31. It is a misdemeanor pursuant to the Motor
 8 Vehicle Code to operate a vehicle with a [~~special~~] dealer
 9 plate that has expired."

10 Section 32. Section 66-3-404 NMSA 1978 (being Laws
 11 1978, Chapter 35, Section 83, as amended) is amended to read:

12 "66-3-404. [~~SPECIAL VEHICLE-BUSINESS~~] DEALER PLATES NOT
 13 TRANSFERABLE.--

14 A. [~~Special vehicle-business~~] Dealer plates
 15 [~~issued to a manufacturer, auto recycler or dealer~~] are not
 16 transferable between dealers.

17 B. Whenever [~~the holder of special vehicle-~~
 18 ~~business plates~~] a dealer ceases operation for any reason,
 19 the [~~current special vehicle-business plates issued to him~~
 20 ~~shall be surrendered to the division~~] dealer shall surrender
 21 to the division any dealer plates issued to the dealer."

22 Section 33. Section 66-3-408 NMSA 1978 (being Laws
 23 1978, Chapter 35, Section 87) is amended to read:

24 "66-3-408. SPECIAL REGISTRATION PLATES FOR RECREATIONAL
 25 VEHICLES.--All recreational vehicles registered in New Mexico

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1 shall carry a special registration plate [~~designating them as~~
2 ~~such~~], including any armed forces veteran plate, disabled
3 veteran plate, purple heart plate, medal of honor plate, ex-
4 prisoner of war plate, Pearl Harbor survivor plate or patriot
5 plate. The color and design of [~~such~~] the plates shall be at
6 the discretion of the director [~~of the division~~]."

7 Section 34. Section 66-3-840 NMSA 1978 (being Laws
8 1978, Chapter 35, Section 146) is amended to read:

9 "66-3-840. BRAKES.--

10 A. Brake equipment is required as follows:

11 (1) every motor vehicle other than a
12 motorcycle when operated upon a highway shall be equipped
13 with brakes adequate to control the movement of and to stop
14 and hold [~~such~~] the vehicle, including two separate means of
15 applying the brakes, each of which [~~means shall be~~] is
16 effective to apply the brakes to at least two wheels. If
17 these two separate means of applying the brakes are connected
18 in any way, they shall be so constructed that failure of any
19 one part of the operating mechanism [~~shall~~] does not leave
20 the motor vehicle without brakes on at least two wheels;

21 (2) every motorcycle when operated upon a
22 highway shall be equipped with at least two brakes [~~which~~]
23 that may be operated by hand or foot;

24 (3) every bus, truck, truck tractor, road
25 tractor, trailer and semitrailer and pole trailer shall be

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1 equipped with brakes on all wheels in contact with road
2 surfaces except:

3 (a) trailers, semitrailers and pole
4 trailers of a gross vehicle weight of less than three
5 thousand pounds;

6 (b) any vehicle being towed in a
7 driveway-towaway operation; provided, the combination of
8 vehicles is capable of complying with the performance
9 requirements of Subsection B of this section;

10 (c) trucks, truck tractors and road
11 tractors having three or more axles need not have brakes on
12 the front wheels except when [~~such~~] the vehicles are equipped
13 with at least two steerable axles, the wheels of one [~~such~~]
14 axle need not be equipped with brakes;

15 (d) house-moving dollies subject to
16 regulations adopted by the secretary of transportation under
17 the Motor Transportation Act; and

18 (e) motor vehicles of the types named
19 in [~~this section hereinabove, heretofore~~] Paragraphs (1)
20 through (3) of this subsection manufactured prior to July 1,
21 1963;

22 (4) every house trailer of a gross vehicle
23 weight in excess of three thousand pounds registered in [~~the~~]
24 this state shall be equipped with brakes on at least two
25 wheels in contact with road surfaces. Every house trailer of

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1 a gross vehicle weight of three thousand pounds or more when
2 operated upon a highway or roadway shall be equipped with
3 brakes adequate to control the movement of and to stop and to
4 hold [~~such~~] the vehicle and so designed as to be applied by
5 the driver of the towing motor vehicle;

6 (5) every bus, truck, road tractor or truck
7 tractor shall be equipped with parking brakes capable of
8 locking the rear driving wheels and adequate under any
9 condition of loading to hold, to the limit of traction of
10 [~~such~~] the braked wheels, [~~such~~] the vehicle or combination
11 of vehicles to which [~~such~~] the motor vehicle may be
12 attached. The operating controls of [~~such~~] the parking
13 brakes shall be independent of the operating controls of the
14 service brakes;

15 (6) in any combination of motor-drawn
16 vehicles, means shall be provided for applying the rearmost
17 trailer brakes of any trailer equipped with brakes in
18 approximate synchronism with the brakes on the towing vehicle
19 and developing the required braking effort on the rearmost
20 wheels at the fastest rate, or means shall be provided for
21 applying braking effort first on the rearmost trailer
22 equipped with brakes, or both of the above means capable of
23 being used alternatively may be employed; and

24 (7) the brake shoes operating within or upon
25 the drums on the vehicle wheels of any motor vehicle may be

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1 used for both service and hand operation.

2 B. Every motor vehicle or combination of motor-
3 drawn vehicles shall be capable at all times, and under all
4 conditions of loading, of being stopped on a dry, smooth,
5 level road, free from loose material, upon application of the
6 service brake within the distance specified [~~below~~] in this
7 subsection or shall be capable of being decelerated at a
8 sustained rate corresponding to these distances:

9	Feet to stop from	Deceleration
10	20 miles per	in feet per
11	hour	second

12	Vehicles or combinations	
13	of vehicles having brakes	
14	on all wheels	30 14

15	Vehicles or combinations	
16	of vehicles not having	
17	brakes on all wheels	40 10.7.

18 C. All brakes shall be maintained in good working
19 order and shall be so adjusted as to operate as equally as
20 practicable with respect to the wheels on opposite sides of
21 the vehicle."

22 Section 35. Section 66-3-847 NMSA 1978 (being Laws
23 1978, Chapter 35, Section 153, as amended) is amended to
24 read:

25 "66-3-847. RESTRICTIONS AS TO TIRE EQUIPMENT.--

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underscored material = new
[bracketed material] = delete

1 A. When ~~[the]~~ use ~~[thereof]~~ is permitted, every
2 solid rubber tire on a vehicle shall have rubber on its
3 entire traction surface at least one-inch thick above the
4 edge of the flange of the entire periphery.

5 B. A person shall not operate or move on a
6 highway a motor vehicle, trailer or semitrailer having any
7 ~~[metal]~~ tire surface in contact with the roadway that is
8 wholly or partly of metal or other hard nonresilient
9 material, except ~~[that for the purposes of the Motor Vehicle~~
10 ~~Code]~~ a snow tire with metal studs designed to increase
11 traction on ice or snow ~~[shall not be considered a metal~~
12 ~~tire]~~.

13 C. No tire on a vehicle moved on a highway shall
14 have on its periphery ~~[any]~~ a block, flange, cleat or spike
15 or any other protuberance of any material other than rubber
16 that projects beyond the tread of the traction surface of the
17 tire. ~~[except that]~~ However, it shall be permissible to use
18 farm machinery with tires having protuberances that will not
19 injure the highway and ~~[except also that it shall be~~
20 ~~permissible to use]~~ tire chains of reasonable proportions or
21 snow tires with metal studs designed to increase traction on
22 ice or snow upon any vehicle when required for safety because
23 of snow, ice or other conditions tending to cause a vehicle
24 to skid.

25 D. The state transportation commission and local

1 authorities, in their respective jurisdictions, may, in their
 2 discretion, issue special permits authorizing the operation
 3 upon a highway of traction engines or tractors having movable
 4 tracks with transverse corrugations upon the periphery of the
 5 movable tracks or farm tractors or other farm machinery [~~the~~
 6 ~~operation of which upon a highway~~] that would otherwise be
 7 prohibited under the Motor Vehicle Code.

8 E. A vehicle equipped with solid rubber or
 9 cushion tires shall not be permitted upon any highway of this
 10 state without special permission [~~first being granted by~~
 11 from the state transportation commission or the local
 12 authority having jurisdiction over the highway affected, and
 13 in no event may any such vehicle be operated at a speed in
 14 excess of that specified by law."

15 Section 36. Section 66-3-1004 NMSA 1978 (being Laws
 16 1978, Chapter 35, Section 200, as amended) is amended to
 17 read:

18 "66-3-1004. REGISTRATION CERTIFICATE AND NONRESIDENT
 19 PERMIT FEES--RENEWAL.--

20 A. The fees for registering an off-highway motor
 21 vehicle are:

22 (1) seventeen dollars (\$17.00) for each
 23 off-highway motor vehicle; and

24 (2) an amount determined by rule of the
 25 tourism department not to exceed thirty dollars (\$30.00) for

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1 an off-highway user fee for each off-highway motor vehicle.

2 B. Upon a change of ownership, the new owner
3 shall make application and pay registration fees of:

4 (1) seventeen dollars (\$17.00) in the same
5 manner as provided by rules of the division for original
6 registration; and

7 (2) an amount determined by rule of the
8 tourism department not to exceed thirty dollars (\$30.00) for
9 an off-highway user fee for each off-highway motor vehicle.

10 C. The fees for a nonresident permit of an
11 off-highway motor vehicle are either:

12 (1) seventeen dollars (\$17.00) for each
13 off-highway motor vehicle that is not registered in another
14 state; and

15 (2) an amount determined by rule of the
16 tourism department not to exceed thirty dollars (\$30.00) for
17 an off-highway user fee for each off-highway motor vehicle
18 that is not currently in compliance with a similar
19 off-highway user fee law or rule in another state; or

20 (3) seventeen dollars (\$17.00) for a
21 ninety-day permit to include both the off-highway motor
22 vehicle not otherwise registered and the off-highway user
23 fee.

24 D. Except as provided in Paragraph (3) of
25 Subsection C of this section, each registration certificate

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1 and nonresident permit shall be:

2 (1) good for two years after the month in
 3 which the off-highway motor vehicle is registered or the
 4 permit is issued; and

5 (2) renewed every two years.

6 E. The off-highway user fee for each off-highway
 7 motor vehicle shall be paid upon obtaining and renewing each
 8 registration certificate or nonresident permit.

9 F. Duplicate registration certificates and
 10 nonresident permits shall be issued upon payment of a
 11 seven-dollar-fifty-cent (\$7.50) fee.

12 G. A fee of one dollar (\$1.00) on registration
 13 certificates and nonresident permits shall be collected for
 14 the [~~New Mexico clean and beautiful program~~] litter control
 15 and beautification fund.

16 H. The tourism department, in [~~conjunction~~]
 17 conjunction with the division and the department of game and
 18 fish, may establish and maintain sites to collect fees and
 19 issue permits for residents and nonresidents."

20 Section 37. Section 66-3-1004.1 NMSA 1978 (being Laws
 21 2005, Chapter 325, Section 4) is amended to read:

22 "66-3-1004.1. FEES--DISPOSITION.--

23 A. Except as provided in Subsection B of this
 24 section, fees collected pursuant to Section 66-3-1004 NMSA
 25 1978 shall be distributed as follows:

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 [bracketed material] = delete

1 (1) of each seventeen dollars (\$17.00)
2 collected pursuant to Paragraph (1) of Subsection A,
3 Paragraph (1) of Subsection B or Paragraph (1) of Subsection
4 C of Section 66-3-1004 NMSA 1978, five dollars (\$5.00) is
5 appropriated to the division [~~and the money is appropriated~~
6 ~~to the division~~] to defray the cost of making and issuing
7 registration certificates, validating stickers and
8 nonresident permits for off-highway motor vehicles. The
9 remaining twelve dollars (\$12.00) shall be deposited in the
10 motor vehicle suspense fund for distribution pursuant to
11 Section 66-6-23 NMSA 1978;

12 (2) fees collected pursuant to Paragraph (2)
13 of Subsection A, Paragraph (2) of Subsection B or Paragraph
14 (2) of Subsection C of Section 66-3-1004 NMSA 1978 to the
15 fund;

16 (3) fees collected pursuant to Subsection F
17 of Section 66-3-1004 NMSA 1978 are appropriated to the
18 division [~~and the money is appropriated to the division~~] to
19 defray the cost of making and issuing duplicate registration
20 certificates and nonresident permits for off-highway motor
21 vehicles;

22 (4) of each seventeen dollars (\$17.00)
23 collected pursuant to Paragraph (3) of Subsection C of
24 Section 66-3-1004 NMSA 1978, five dollars (\$5.00) is
25 appropriated to the division [~~and the money is appropriated~~

1 ~~to the division]~~ to defray the costs of making and issuing
 2 nonresident permits. The remaining twelve dollars (\$12.00)
 3 shall be deposited in the fund; and

4 (5) fees collected pursuant to Subsection G
 5 of Section 66-3-1004 NMSA 1978 to the tourism department for
 6 the ~~[New Mexico clean and beautiful program]~~ litter control
 7 and beautification fund.

8 B. If fees are collected by the department of
 9 game and fish pursuant to Paragraph (1) of Subsection A,
 10 Paragraph (1) of Subsection B or Paragraphs (1) and (3) of
 11 Subsection C of Section 66-3-1004 NMSA 1978, seven dollars
 12 (\$7.00) shall be deposited in the game protection fund, five
 13 dollars (\$5.00) ~~[to the division, and the money is~~
 14 ~~appropriated to the division to defray the cost of making and~~
 15 ~~issuing registration certificates, validating stickers and~~
 16 ~~nonresident permits for off-highway motor vehicles, and the~~
 17 ~~remaining five dollars (\$5.00)]~~ shall be deposited in the
 18 motor vehicle suspense fund for distribution pursuant to
 19 Section 66-6-23 NMSA 1978 and the remaining five dollars
 20 (\$5.00) is appropriated to the division to defray the cost of
 21 making and issuing registration certificates, validating
 22 stickers and nonresident permits for off-highway motor
 23 vehicles."

24 Section 38. Section 66-3-1102 NMSA 1978 (being Laws
 25 2002, Chapter 38, Section 1) is amended to read:

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1 "66-3-1102. ELECTRIC PERSONAL ASSISTIVE MOBILITY
2 DEVICES--STANDARDS--OPERATOR REQUIREMENTS--APPLICABILITY--
3 PENALTIES.--

4 ~~[A. As used in this section, "electric personal~~
5 ~~assistive mobility device" means a self-balancing device~~
6 ~~having two nontandem wheels designed to transport a single~~
7 ~~person by means of an electric propulsion system with an~~
8 ~~average power of one horsepower and with a maximum speed on a~~
9 ~~paved level surface of less than twenty miles per hour when~~
10 ~~powered solely by its propulsion system and while being~~
11 ~~ridden by an operator who weighs one hundred seventy pounds.~~

12 ~~B.]~~ A. An electric personal assistive mobility
13 device shall be equipped with:

- 14 (1) front, rear and side reflectors;
15 (2) a braking system that enables the
16 operator to bring the device to a controlled stop; and
17 (3) if operated at any time from one-half
18 hour after sunset to one-half hour before sunrise, a lamp
19 that emits a white light that sufficiently illuminates the
20 area in front of the device.

21 ~~[C.]~~ B. The ~~[director]~~ secretary shall by rule
22 prescribe motor vehicle safety standards applicable to
23 electric personal assistive mobility devices.

24 ~~[D.]~~ C. An operator of an electric personal
25 assistive mobility device traveling on a sidewalk, roadway or

1 bicycle path shall have the rights and duties of a pedestrian
 2 and shall exercise due care to avoid colliding with
 3 pedestrians. An operator shall yield the right of way to
 4 pedestrians.

5 ~~[E.]~~ D. Except as provided in this section, no
 6 other provisions of the Motor Vehicle Code shall apply to
 7 electric personal assistive mobility devices.

8 ~~[F.]~~ E. An operator who violates a provision of
 9 ~~[Subsection B, C or D of]~~ this section shall receive a
 10 warning for the first offense. For a second offense, the
 11 operator shall be punished by a fine of ten dollars (\$10.00).
 12 For a third or subsequent offense, in addition to the fine,
 13 the electric personal assistive mobility device shall be
 14 impounded for up to thirty days.

15 ~~[G.]~~ F. This section does not apply to personal
 16 assistive mobility devices used by persons with
 17 disabilities."

18 Section 39. Section 66-3-1103 NMSA 1978 (being Laws
 19 2004, Chapter 7, Section 1 and Laws 2004, Chapter 96, Section
 20 1) is amended to read:

21 "66-3-1103. NEIGHBORHOOD ELECTRIC CARS.--

22 A. ~~[As used in this section]~~ A neighborhood
 23 electric car ~~[means a four-wheeled electric motor vehicle~~
 24 ~~that:~~

25 ~~(1) has a maximum speed of more than twenty~~

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1 ~~miles per hour but less than twenty-five miles per hour;~~

2 ~~(2) complies with the federal requirements~~
3 ~~specified in 49 CFR 571.500; and~~

4 ~~(3) is]~~ shall be equipped with head lamps,
5 stop lamps, front and rear turn signal lamps, tail lamps,
6 reflex reflectors, a parking brake, at least one interior and
7 one exterior rear view mirror, a windshield, windshield
8 wipers, a speedometer, an odometer, braking for each wheel,
9 seat belts and a vehicle identification number.

10 B. Except as provided in Subsection C or D of
11 this section, a neighborhood electric car, properly
12 registered pursuant to the provisions of the Motor Vehicle
13 Code, in compliance with the Mandatory Financial
14 Responsibility Act and driven by an individual with a valid
15 driver's license, may be operated on any street, roadway or
16 highway under the jurisdiction of either the state or a local
17 authority if the posted maximum speed limit is thirty-five
18 miles per hour or less; provided, a neighborhood electric car
19 may cross at an intersection or permitted crossing point at
20 any street, roadway or highway that has a posted maximum
21 speed limit higher than thirty-five miles per hour.

22 C. A local authority may prohibit the operation
23 of neighborhood electric cars on any road under its
24 jurisdiction if the governing body of the local authority
25 determines that the prohibition is necessary in the interest

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1 of safety.

2 D. The department of transportation may prohibit
3 the operation of neighborhood electric cars on any road under
4 its jurisdiction if it determines that the prohibition is
5 necessary in the interest of safety.

6 E. Neighborhood electric cars are exempt from the
7 following provisions:

8 (1) the emblems or flashing lights
9 requirement for slow-moving vehicles in Section 66-3-887 NMSA
10 1978;

11 (2) any requirement for vehicle emission
12 inspections adopted by a local authority pursuant to
13 Subsection C of Section 74-2-4 NMSA 1978; and

14 (3) the minimum motor displacement
15 requirement of Paragraph (2) of Subsection A of Section
16 66-7-405 NMSA 1978."

17 Section 40. Section 66-4-2 NMSA 1978 (being Laws 1978,
18 Chapter 35, Section 215, as amended by Laws 2005, Chapter 15,
19 Section 1 and by Laws 2005, Chapter 324, Section 14) is
20 amended to read:

21 "66-4-2. DEPARTMENT TO ISSUE LICENSE.--

22 A. Except for recreational vehicles, the
23 department, upon receiving application accompanied by the
24 required fee and when satisfied that the applicant is of good
25 character and complies with the laws of this state with

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1 reference to the registration of vehicles and certificates of
2 title and the provisions of the Motor Vehicle Code, shall
3 issue to the applicant a license that entitles the licensee
4 to conduct the business of a dealer, auto recycler or title
5 service company. The license may be renewed upon application
6 and payment of the fee required by law. A licensee shall not
7 lease, loan, transfer or sell its license to another person,
8 and no person shall use the license of another person for any
9 purpose.

10 B. A dealer or auto recycler licensee, before
11 moving any [~~one or more~~] of the licensee's places of business
12 or opening any additional place of business, shall apply to
13 the department for and obtain a supplemental license for
14 which no fee shall be charged. No supplemental license shall
15 be issued to a dealer, other than a dealer in motorcycles
16 only, for an additional place of business unless

17 ~~[(1) the place of business is an established~~
18 ~~place of business; or~~

19 ~~(2) the majority of dealers, other than~~
20 ~~dealers in motorcycles, in the county in which the proposed~~
21 ~~additional place of business would be located have been~~
22 ~~offered the opportunity, in documentation acceptable to the~~
23 ~~department, to offer vehicles for sale at the proposed~~
24 ~~additional place of business by the applicant; provided that~~
25 ~~the offer shall be for sale of vehicles at all times at which~~

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1 ~~the applicant proposes to sell vehicles and shall not be~~
 2 ~~conditioned upon the payment of any fee by any dealer to whom~~
 3 ~~it is addressed greater than a fair share of the actual~~
 4 ~~expenses incurred]~~ the business already has an established
 5 place of business.

6 C. A person to whom the department has issued a
 7 license to conduct the business of a dealer in motorcycles
 8 only is also deemed a [~~wrecker~~] recycler of motorcycles
 9 without additional license.

10 [~~D. The department is authorized to establish a~~
 11 ~~staggered system for licensing of dealers, wholesalers,~~
 12 ~~distributors and auto recyclers and of title service~~
 13 ~~companies, provided that any license issued shall expire on~~
 14 ~~the last day of a month. Licenses issued shall be issued for~~
 15 ~~a period of twelve months.~~

16 E. ~~On or after July 1, 2005, the holder of a~~
 17 ~~wrecker of vehicles license desiring to renew the license~~
 18 ~~shall apply for an auto recycler license, pursuant to the~~
 19 ~~provisions of the Motor Vehicle Code, at the time the holder~~
 20 ~~would have otherwise applied to renew the wrecker of vehicles~~
 21 ~~license.]"~~

22 Section 41. A new section of the Motor Vehicle Code,
 23 Section 66-4-2.2 NMSA 1978, is enacted to read:

24 "66-4-2.2. [NEW MATERIAL] OFF-SITE SALES.--

25 A. A New Mexico licensed dealer, before offering

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1 a vehicle or vessel for sale at a temporary off-site
2 location, shall apply to the department for and obtain an
3 off-site permit. No off-site permit shall be issued to a New
4 Mexico licensed dealer, other than a dealer in motorcycles
5 only, for a temporary off-site location unless the dealer:

6 (1) documents to the satisfaction of the
7 department that the dealer has offered the majority of
8 dealers, other than dealers in motorcycles only, in the
9 county in which the proposed temporary off-site location
10 would be located, the opportunity to offer vehicles or
11 vessels for sale at the proposed temporary off-site location;
12 provided that the offer shall be for sale of vehicles or
13 vessels at all times during which the applicant proposes to
14 sell vehicles or vessels and shall not be conditioned upon
15 the payment of a fee by a dealer to whom the off-site permit
16 is addressed that is greater than a fair share of the actual
17 expenses; and

18 (2) obtains either an original rider to the
19 dealer's existing corporate surety bond or an original
20 corporate surety bond in compliance with the provisions of
21 Section 66-4-7 NMSA 1978 to cover the proposed temporary off-
22 site location and dates of sale.

23 B. All temporary off-site locations shall be
24 identified by prominently displayed signs identifying the
25 names of the New Mexico licensed dealers selling vehicles or

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1 vessels at the temporary off-site location and shall be of
 2 sufficient size or space to permit the safe display of the
 3 vehicles or vessels offered for sale."

4 Section 42. Section 66-4-3 NMSA 1978 (being Laws 1978,
 5 Chapter 35, Section 216, as amended) is amended to read:

6 "66-4-3. REFUSAL TO ISSUE LICENSE--CANCELLATION OR
 7 SUSPENSION OF LICENSE OR USE OF TEMPORARY PERMITS--HEARING--
 8 APPEAL.--

9 A. The department may refuse to issue a license
 10 for just cause and may cancel or suspend a license or use of
 11 a temporary [permits] registration permit, demonstration
 12 permit or transport permit for violation of the Motor Vehicle
 13 Code. The department shall take the action authorized in
 14 this section only after hearing. Notice of hearing shall be
 15 given the party concerned as provided in Section 66-2-11 NMSA
 16 1978. The notice shall state the proposed action of the
 17 department and the reason for the proposed action.

18 B. The department shall prepare rules for the
 19 conduct of the hearing. At the hearing, the technical rules
 20 of evidence do not apply, and a party has the right to be
 21 represented by counsel, to call witnesses in [~~his~~] the
 22 party's own behalf and to cross-examine the witnesses of
 23 other parties.

24 C. The secretary or [~~his~~] the secretary's
 25 designated agent shall conduct the hearing for the department

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1 and shall cause a record of hearing to be made.

2 D. Within ten days after completion of the
3 hearing, the secretary shall cause to be served upon all
4 parties, in the manner provided in Section 66-2-11 NMSA 1978,
5 ~~[his]~~ the secretary's findings and decision. The decision
6 shall be:

7 (1) granting a license or refusing to grant
8 a license;

9 (2) continuing a license, canceling a
10 license or suspending a license for a time stated; or

11 (3) continuing use of dealer plates and
12 temporary registration permits, demonstration permits or
13 transport permits, canceling dealer plates and temporary
14 registration permits, demonstration permits or transport
15 permits or suspending use of temporary registration permits,
16 demonstration permits or transport permits for a time stated.

17 E. A party aggrieved by the secretary's decision
18 may file an appeal in the district court pursuant to the
19 provisions of Section 39-3-1.1 NMSA 1978."

20 Section 43. Section 66-4-5 NMSA 1978 (being Laws 1978,
21 Chapter 35, Section 218, as amended) is amended to read:

22 "66-4-5. RECORDS OF PURCHASES, OF SALES AND OF VEHICLES
23 DISMANTLED.--

24 A. A dealer licensee shall maintain a record in a
25 form prescribed by the department of every vehicle of a type

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1 subject to registration pursuant to the provisions of the
2 Motor Vehicle Code that is bought, sold or exchanged by the
3 licensee or received by the licensee for sale or exchange.

4 B. An auto recycler licensee shall maintain a
5 record in a form prescribed by the department of:

6 (1) every vehicle of a type subject to
7 registration pursuant to the provisions of the Motor Vehicle
8 Code that is bought, exchanged or received and dismantled or
9 otherwise destroyed by the licensee; and

10 (2) every motor vehicle body, chassis or
11 engine that is sold or otherwise disposed of by the licensee.

12 C. Every record required to be maintained
13 pursuant to Subsection A or B of this section shall state the
14 name and address of the person from whom the vehicle was
15 purchased or acquired and the date of the purchase [~~and~~]; the
16 name and address of the person to whom the vehicle or the
17 motor vehicle body, chassis or engine was sold or otherwise
18 disposed of and the date of the sale or disposition; and a
19 sufficient description of every vehicle or motor vehicle
20 body, chassis or engine by name and identifying numbers
21 sufficient to identify the vehicle or motor vehicle body,
22 chassis or engine.

23 D. A title service company licensee shall
24 maintain a record of:

25 (1) every temporary registration [~~plate~~]

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1 permit issued;

2 (2) every title and registration application
3 accepted for processing; and

4 (3) any other information prescribed by the
5 department.

6 E. Every record required to be maintained
7 pursuant to the provisions of this section shall be retained
8 for a period of three years from the end of the year in which
9 the record was created and shall be open to inspection by any
10 peace officer or officer of the department during reasonable
11 business hours. If the licensee fails to maintain the
12 records required or to permit their inspection during
13 reasonable business hours, the license becomes invalid."

14 Section 44. Section 66-5-2 NMSA 1978 (being Laws 1978,
15 Chapter 35, Section 224, as amended) is amended to read:

16 "66-5-2. DRIVERS MUST BE LICENSED.--

17 A. Except those expressly exempted from the Motor
18 Vehicle Code, no person shall drive any motor vehicle,
19 neighborhood electric car or moped upon a highway in this
20 state unless [~~he~~] the person:

21 (1) holds a valid license issued under the
22 provisions of the Motor Vehicle Code; and

23 (2) has surrendered to the division any
24 other license previously issued to [~~him~~] the person by this
25 state or by another state or country or has filed an

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1 affidavit with the division that [~~he~~] the person does not
 2 possess such other license; however, the applicant need not
 3 surrender a motorcycle license duly obtained under Paragraph
 4 (3) of Subsection A of Section 66-5-5 NMSA 1978.

5 B. Any person licensed under the provisions of
 6 the Motor Vehicle Code or expressly exempted from licensure
 7 may exercise the privilege granted upon all streets and
 8 highways in this state and shall not be required to obtain
 9 any other license to exercise the privilege by any county,
 10 municipality or any other local body having authority to
 11 adopt local police regulations."

12 Section 45. Section 66-5-19 NMSA 1978 (being Laws 1978,
 13 Chapter 35, Section 241, as amended) is amended to read:

14 "66-5-19. RESTRICTED LICENSES.--

15 A. The division, upon issuing a driver's license
 16 or a provisional license, has authority, whenever good cause
 17 appears, to impose restrictions, including the shortening of
 18 the licensure period suitable to the licensee's driving
 19 ability with respect to the type of or special mechanical
 20 control devices required on a motor vehicle that the licensee
 21 may operate or such other restrictions applicable to the
 22 licensee as the division [~~may determine~~] determines to be
 23 appropriate to [~~assure~~] ensure the safe operation of a motor
 24 vehicle by the licensee.

25 B. At age seventy-five and thereafter, the

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1 applicant shall renew the applicant's license on a yearly
2 basis at no cost to the applicant.

3 ~~[B.]~~ C. The division may either issue a special
4 restricted license or may set forth such restrictions upon
5 the usual license form.

6 ~~[G.]~~ D. The division may issue a restricted
7 license or a restricted provisional license for driving
8 during daylight hours only to some visually [~~handicapped~~]
9 impaired persons who fail the usual eyesight test. The
10 health standards advisory board created pursuant to the
11 provisions of Section 66-5-6 NMSA 1978 shall evaluate the
12 extent of the visual [~~handicap~~] impairment and its effect on
13 the driving ability of the applicant and, based on its
14 recommendations, the director may issue a restricted license
15 under the following conditions:

16 (1) the applicant has no record of moving
17 violations;

18 (2) the necessity of the license is shown to
19 the satisfaction of the director; and

20 (3) the applicant satisfies the provisions
21 of Section 66-5-206 NMSA 1978 relating to proof of financial
22 responsibility.

23 ~~[D.]~~ E. The division may, upon receiving
24 satisfactory evidence of any violation of the restrictions of
25 the license, suspend the license, but the licensee is

1 entitled to a hearing as upon a suspension under Sections
2 66-5-1 through 66-5-47 NMSA 1978.

3 ~~[E-]~~ F. It is a misdemeanor for any person to
4 operate a motor vehicle in any manner in violation of the
5 restrictions imposed in a restricted license issued to the
6 person."

7 Section 46. Section 66-5-29 NMSA 1978 (being Laws 1978,
8 Chapter 35, Section 251, as amended by Laws 2005, Chapter
9 241, Section 2 and by Laws 2005, Chapter 269, Section 2) is
10 amended to read:

11 "66-5-29. MANDATORY REVOCATION OF LICENSE BY
12 DIVISION.--

13 A. The division shall immediately revoke the
14 ~~[instruction permit]~~ driving privilege or driver's license
15 ~~[or provisional license]~~ of a driver upon receiving a record
16 of the driver's adjudication as a delinquent for or
17 conviction of any of the following offenses, whether the
18 offense is under any state law or local ordinance, when the
19 conviction or adjudication has become final:

20 (1) manslaughter or negligent homicide
21 resulting from the operation of a motor vehicle;

22 (2) any offense rendering a person a "first
23 offender" as defined in the Motor Vehicle Code;

24 (3) any offense rendering a person a
25 "subsequent offender" as defined in the Motor Vehicle Code;

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1 (4) any felony in the commission of which a
2 motor vehicle is used;

3 (5) failure to stop and render aid as
4 required under the laws of this state in the event of a motor
5 vehicle accident resulting in the death or personal injury of
6 another;

7 (6) perjury or the making of a false
8 affidavit or statement under oath to the division under the
9 Motor Vehicle Code or under any other law relating to the
10 ownership or operation of motor vehicles; or

11 (7) conviction or forfeiture of bail not
12 vacated upon three charges of reckless driving committed
13 within a period of twelve months.

14 B. Except as provided in the Ignition Interlock
15 Licensing Act and in Subsection C, D or E of this section, a
16 person whose driving privilege or driver's license has been
17 revoked under this section shall not be entitled to apply for
18 or receive a new license until one year from the date that
19 the conviction is final and all rights to an appeal have been
20 exhausted.

21 C. A person who upon adjudication as a delinquent
22 for driving while under the influence of intoxicating liquor
23 or drugs or a conviction pursuant to Section 66-8-102 NMSA
24 1978 is subject to [~~license~~] revocation of the driving
25 privilege or driver's license under this section for an

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1 offense pursuant to which the person was also subject to
 2 [~~license~~] revocation of the driving privilege or driver's
 3 license pursuant to Section 66-8-111 NMSA 1978 shall have
 4 [~~his~~] the person's driving privilege or driver's license
 5 revoked for that offense for a combined period of time equal
 6 to:

7 (1) one year for a first offender; or

8 (2) for a subsequent offender:

9 (a) two years for a second conviction;

10 (b) three years for a third

11 conviction; or

12 (c) the remainder of the offender's
 13 life for a fourth or subsequent conviction, subject to a
 14 five-year review, as provided in Sections 66-5-5 and 66-8-102
 15 NMSA 1978.

16 D. Upon receipt of an order from a court pursuant
 17 to Section 32A-2-19 NMSA 1978 or Subsection G of Section
 18 32A-2-22 NMSA 1978, the division shall revoke the driver's
 19 license or driving privileges for a period of time in
 20 accordance with these provisions.

21 E. Upon receipt from a district court of a record
 22 of conviction for the offense of shooting at or from a motor
 23 vehicle pursuant to Subsection B of Section 30-3-8 NMSA 1978
 24 or of a conviction for a conspiracy or an attempt to commit
 25 that offense, the division shall revoke the driver's license

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1 or driving privileges of the convicted person. A person
2 whose driver's license or driving privilege has been revoked
3 pursuant to the provisions of this subsection shall not be
4 entitled to apply for or receive any new driver's license or
5 driving privilege until one year from the date that the
6 conviction is final and all rights to an appeal have been
7 exhausted."

8 Section 47. Section 66-5-35 NMSA 1978 (being Laws 1978,
9 Chapter 35, Section 257, as amended by Laws 2005, Chapter
10 241, Section 4 and by Laws 2005, Chapter 269, Section 4) is
11 amended to read:

12 "66-5-35. LIMITED DRIVING PRIVILEGE UPON SUSPENSION OR
13 REVOCATION [~~HEARING--REVIEW~~].--

14 A. Upon suspension or revocation of a person's
15 driving privilege or driver's license following conviction or
16 adjudication as a delinquent under any law, ordinance or rule
17 relating to motor vehicles, [~~a~~] the person may apply to the
18 department for a driver's license, provisional license or
19 instruction permit to drive, limited to use allowing the
20 person to engage in gainful employment, to attend school or
21 to attend a court-ordered treatment program, except that the
22 person shall not be eligible to apply:

23 (1) for a limited commercial driver's
24 license or an ignition interlock license in lieu of a revoked
25 or suspended commercial driver's license;

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1 (2) for a limited license when the person's
2 driver's license was revoked pursuant to the provisions of
3 the Implied Consent Act, except as provided in the Ignition
4 Interlock Licensing Act;

5 (3) for a limited license when the person's
6 driver's license was revoked pursuant to the provisions of
7 Section 66-8-102 NMSA 1978, except as provided in the
8 Ignition Interlock Licensing Act;

9 (4) for a limited license when the person's
10 driver's license is denied pursuant to the provisions of
11 Subsection D of Section 66-5-5 NMSA 1978, except as provided
12 in the Ignition Interlock Licensing Act; or

13 (5) for a limited license when the person's
14 driver's license was revoked pursuant to a conviction for
15 committing homicide by vehicle or great bodily injury by
16 vehicle, as provided in Section 66-8-101 NMSA 1978.

17 B. Upon receipt of a fully completed application
18 that complies with statutes and rules for a limited license
19 or an ignition interlock license and payment of the fee
20 specified in this subsection, the department shall issue a
21 limited license, ignition interlock license or permit to the
22 applicant showing the limitations specified in the approved
23 application. For each limited license, ignition interlock
24 license or permit to drive, the applicant shall pay to the
25 department a fee of forty-five dollars (\$45.00), which shall

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1 be transferred to the department of transportation. All
2 money collected under this subsection shall be used for DWI
3 prevention and education programs for elementary and
4 secondary school students. The department of transportation
5 shall coordinate with the department of health to ensure that
6 there is no program duplication. The limited license or
7 permit to drive may be suspended as provided in Section
8 66-5-30 NMSA 1978.

9 ~~[C. The department, within twenty days of denial~~
10 ~~of an application for a limited driver's license or permit~~
11 ~~pursuant to this section, shall afford the applicant a~~
12 ~~hearing in the county in which the applicant resides, unless~~
13 ~~the department and the licensee agree that the hearing may be~~
14 ~~held in some other county. The department may extend the~~
15 ~~twenty-day period, provided that the extension is in writing~~
16 ~~and made no later than fifteen days after receipt of an~~
17 ~~application. Upon hearing, the hearing officer designated by~~
18 ~~the department may administer oaths and may issue subpoenas~~
19 ~~for the attendance of witnesses and the production of~~
20 ~~relevant books and papers. The hearing officer shall make~~
21 ~~specific findings as to whether the applicant has shown proof~~
22 ~~of financial responsibility for the future and enrollment in~~
23 ~~an approved DWI school and an approved alcohol screening~~
24 ~~program and meets established uniform criteria for limited~~
25 ~~driving privileges adopted by rule of the department. The~~

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1 ~~hearing officer shall enter an order either approving or~~
 2 ~~denying the applicant's request for a limited license or~~
 3 ~~permit to drive. If any of the specific findings set forth~~
 4 ~~in this subsection are not found by the hearing officer, the~~
 5 ~~applicant's request for a limited license or permit shall not~~
 6 ~~be approved.~~

7 ~~D. A person adversely affected by an order of the~~
 8 ~~hearing officer may seek review within thirty days in the~~
 9 ~~district court in the county in which the person resides. On~~
 10 ~~review, it is for the court to determine only whether the~~
 11 ~~applicant met the requirements in this section for issuance~~
 12 ~~of a limited license or permit to drive.]"~~

13 Section 48. Section 66-5-502 NMSA 1978 (being Laws
 14 2003, Chapter 239, Section 2, as amended) is amended to read:

15 "66-5-502. DEFINITIONS.--As used in the Ignition
 16 Interlock Licensing Act:

17 A. "denied" means ~~[having an instructor's]~~ the
 18 division has refused to issue an instruction permit, driver's
 19 license or provisional license ~~[denied for driving while~~
 20 ~~under the influence of intoxicating liquor or drugs]~~ pursuant
 21 to the provisions of Subsection D of Section 66-5-5 NMSA
 22 1978;

23 B. "ignition interlock device" means a device,
 24 approved by the traffic safety bureau, that prevents the
 25 operation of a motor vehicle by an intoxicated or impaired

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1 person;

2 C. "ignition interlock license" means a driver's
3 license issued to a person by the division that allows that
4 person to operate a motor vehicle with an ignition interlock
5 device after that person's [~~instructor's permit~~] driving
6 privilege or driver's license [~~or provisional license~~] has
7 been revoked or denied. The division shall clearly mark an
8 ignition interlock license to distinguish it from other
9 driver's licenses; and

10 D. "revoked" means [~~having an instructor's~~
11 ~~permit~~] the division, pursuant to the provisions of Section
12 66-5-29 or 66-8-111 NMSA 1978, has terminated a person's
13 driving privilege or driver's license [~~or provisional license~~
14 ~~revoked~~] for driving while under the influence of
15 intoxicating liquor or drugs [~~pursuant to the provisions of~~
16 ~~Section 66-8-102 or 66-8-111 NMSA 1978~~]."

17 Section 49. Section 66-5-503 NMSA 1978 (being Laws
18 2003, Chapter 239, Section 3) is amended to read:

19 "66-5-503. IGNITION INTERLOCK LICENSE--REQUIREMENTS--
20 EXCLUSIONS.--

21 A. A person whose [~~instructor's permit~~] driving
22 privilege or driver's license [~~or provisional license~~] has
23 been revoked or denied may apply for an ignition interlock
24 license from the division.

25 B. An applicant for an ignition interlock license

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1 shall:

2 (1) provide proof of installation of the
 3 ignition interlock device by a traffic safety bureau-approved
 4 ignition interlock installer on any vehicle the applicant
 5 drives; and

6 (2) sign an affidavit acknowledging that:

7 (a) operation by the applicant of any
 8 vehicle that is not equipped with an ignition interlock
 9 device is subject to penalties for driving with a revoked
 10 license; and

11 (b) the applicant shall maintain the
 12 ignition interlock device and keep up-to-date records in the
 13 motor vehicle showing required service and calibrations and
 14 be able to provide the records upon request.

15 C. A person who has been convicted of homicide by
 16 vehicle or great bodily injury by vehicle while under the
 17 influence of intoxicating liquor or drugs, as provided in
 18 Section 66-8-101 NMSA 1978, shall not be issued an ignition
 19 interlock license."

20 Section 50. Section 66-6-3 NMSA 1978 (being Laws 1978,
 21 Chapter 35, Section 338, as amended) is amended to read:

22 "66-6-3. TRAILERS--REGISTRATION FEES.--

23 ~~[A. For the registration of freight trailers and~~
 24 ~~utility trailers, the following fees shall be collected:~~

25 ~~(1) for the permanent registration or~~

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 [bracketed material] = delete

1 ~~reregistration of freight trailers, thirteen dollars~~
2 ~~(\$13.00);]~~

3 A. For freight trailers, the division shall
4 collect thirteen dollars (\$13.00) for permanent registration
5 or re-registration after sale or transfer.

6 B. For utility trailers, the division shall
7 collect:

8 ~~[(2)]~~ (1) for the annual registration of
9 each utility trailer not permanently registered, seven
10 dollars (\$7.00) plus one dollar (\$1.00) for each one hundred
11 pounds or major fraction thereof of actual empty weight over
12 five hundred pounds; ~~[actual empty weight; except that in the~~
13 ~~case of travel trailers, actual empty weight shall be one-~~
14 ~~half of the gross factory shipping weight or, if gross~~
15 ~~factory shipping weight is not available, then actual empty~~
16 ~~weight shall be one-half of actual gross vehicle weight; and~~

17 ~~(3)]~~ (2) for the permanent registration of
18 utility trailers not used in commerce that have a gross
19 vehicle weight of less than six thousand one pounds, thirty-
20 three dollars (\$33.00) plus seven dollars (\$7.00) for each
21 one hundred pounds or major fraction thereof of actual empty
22 weight over five hundred pounds ~~[actual empty weight; except~~
23 ~~that in the case of travel trailers, actual empty weight~~
24 ~~shall be one-half of the gross factory shipping weight or, if~~
25 ~~gross factory shipping weight is not available, then actual~~

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1 ~~empty weight shall be one-half of actual gross vehicle weight~~
2 ~~and for the reregistration of such utility trailers upon~~
3 ~~their sale or transfer, seven dollars (\$7.00)]; and~~

4 (3) for the re-registration of permanently
5 registered utility trailers after sale or transfer, seven
6 dollars (\$7.00).

7 C. For travel trailers, the division shall
8 collect:

9 (1) for the annual registration of each
10 travel trailer that is not permanently registered, seven
11 dollars (\$7.00) plus fifty cents (\$.50) for each one hundred
12 pounds or major fraction thereof of gross factory shipping
13 weight over five hundred pounds or, if gross factory shipping
14 weight is not available, of actual empty weight over five
15 hundred pounds;

16 (2) for the permanent registration of travel
17 trailers, thirty-three dollars (\$33.00) plus three dollars
18 fifty cents (\$3.50) for each one hundred pounds or major
19 fraction thereof of gross factory shipping weight over five
20 hundred pounds or, if the gross factory shipping weight is
21 not available, of actual empty weight over five hundred
22 pounds; and

23 (3) for the re-registration of permanently
24 registered travel trailers after sale or transfer, seven
25 dollars (\$7.00).

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1 [~~B-~~] D. At the option of the owner of a fleet of
2 fifty or more utility trailers wishing to register them in
3 New Mexico, the division shall issue a registration and
4 registration plate for each trailer in the fleet, the
5 registration and registration plate to expire on the last day
6 of the final month of a five-year period. Registrations and
7 registration plates shall be issued for five years only if
8 the owner of the trailers meets the following requirements:

9 (1) application is made on forms prescribed
10 by the division and payment of the proper fee is made;

11 (2) upon the option of the director,
12 presentation is made at the time of registration of a surety
13 bond, certificate of deposit or of other financial security;
14 and

15 (3) payment is made by the fleet owner of
16 all registration fees due each year prior to the expiration
17 date. If such fees are not paid, all registrations and
18 registration plates in the fleet shall be canceled."

19 Section 51. Section 66-6-4 NMSA 1978 (being Laws 1978,
20 Chapter 35, Section 339, as amended) is amended to read:

21 "66-6-4. REGISTRATION FEES--TRUCKS, TRUCK TRACTORS,
22 ROAD TRACTORS AND BUSES.--

23 A. Within their respective jurisdictions, the
24 motor vehicle division and the motor transportation division
25 of the department of public safety shall charge registration

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1 fees for trucks, truck tractors, road tractors and buses,
 2 except as otherwise provided by law, according to the
 3 schedule of Subsection B of this section.

4 B. Declared Gross Weight	Fee
5 001 to 4,000	\$40
6 4,001 to 6,000	55
7 6,001 to 8,000	69
8 8,001 to 10,000	84
9 10,001 to 12,000	99
10 12,001 to 14,000	113
11 14,001 to 16,000	128
12 16,001 to 18,000	143
13 18,001 to 20,000	157
14 20,001 to 22,000	172
15 22,001 to 24,000	187
16 24,001 to 26,000	201
17 26,001 to 48,000	118
18 48,001 and over	172.

19 C. All trucks whose declared gross weight or
 20 whose gross vehicle weight is less than twenty-six thousand
 21 pounds, after five years of registration, calculated from the
 22 date when the vehicle was first registered in this or another
 23 state, shall be charged registration fees at eighty percent
 24 of the rate set out in Subsection B of this section.

25 D. All trucks with a gross vehicle weight of more

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1 than twenty-six thousand pounds and all truck tractors and
2 road tractors used to tow freight trailers shall be
3 registered on the basis of [~~combination~~] gross combination
4 vehicle weight.

5 E. All trucks with a gross vehicle weight of
6 twenty-six thousand pounds or less shall be registered on the
7 basis of gross vehicle weight. A trailer, semitrailer or
8 pole trailer towed by a truck of such gross vehicle weight
9 shall be classified as a utility trailer for registration
10 purposes unless otherwise provided by law.

11 F. All farm vehicles having a declared gross
12 weight of more than six thousand pounds shall be charged
13 registration fees of two-thirds of the rate of the respective
14 fees provided in this section and shall be issued distinctive
15 registration plates. "Farm vehicle" means a vehicle owned by
16 a person whose principal occupation is farming or ranching
17 and which vehicle is used principally in the transportation
18 of farm and ranch products to market and farm and ranch
19 supplies and livestock from the place of purchase to farms
20 and ranches in this state; provided that the vehicle is not
21 used for hire.

22 G. In addition to other registration fees imposed
23 by this section, beginning July 1, 1994, [~~there is imposed at~~
24 ~~the time of registration~~] an annual tire recycling fee of one
25 dollar fifty cents (\$1.50) is imposed at the time of

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1 registration on each vehicle subject to a registration fee
 2 pursuant to this section, except for vehicles with a declared
 3 gross weight of greater than twenty-six thousand pounds upon
 4 which registration fees are imposed by Subsection B of this
 5 section.

6 H. Three percent of registration fees of trucks
 7 having from twenty-six thousand one pounds to forty-eight
 8 thousand pounds declared gross vehicle weight is to be
 9 transferred to the [~~tire~~] recycling and illegal dumping fund
 10 pursuant to the provisions of Section 66-6-23 NMSA 1978.

11 I. Three and seventy-five hundredths percent of
 12 registration fees of trucks in excess of forty-eight thousand
 13 pounds declared gross vehicle weight is to be transferred to
 14 the [~~tire~~] recycling and illegal dumping fund pursuant to the
 15 provisions of Section 66-6-23 NMSA 1978."

16 Section 52. Section 66-6-11 NMSA 1978 (being Laws 1978,
 17 Chapter 35, Section 346) is amended to read:

18 "66-6-11. COMPUTATION OF WEIGHT.--The weight for
 19 determining registration fees [~~shall be as follows:~~

20 A. ~~for trucks, truck tractors, road tractors and~~
 21 ~~buses, the declared gross weight;~~

22 B. ~~for freight trailers, irrespective of their~~
 23 ~~weight, a flat fee for permanent registration shall be~~
 24 ~~charged as provided by law;~~

25 C. ~~for utility trailers, the actual empty weight~~

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1 ~~except that in the case of travel trailers, the weights to be~~
2 ~~used are those specified in Section 64-6-3 NMSA 1953; and~~

3 ~~D. for all other vehicles except as otherwise~~
4 ~~provided by law, the gross factory shipping weight] for all~~
5 ~~vehicles shall be the gross factory shipping weight, or if~~
6 ~~the gross factory shipping weight is unavailable, the actual~~
7 ~~empty weight of the vehicle, except as otherwise provided by~~
8 ~~law for trucks, truck tractors, road tractors, buses, freight~~
9 ~~trailers, utility trailers and travel trailers."~~

10 Section 53. Section 66-6-16 NMSA 1978 (being Laws 1978,
11 Chapter 35, Section 351) is amended to read:

12 "66-6-16. EXEMPTION FOR ARMED FORCES AMPUTEES AND THOSE
13 WHO HAVE LOST USE OF LIMBS [EXEMPTED].--~~[A. For the purpose~~
14 ~~of this section, "veteran" means]~~ A person who is a bona fide
15 resident of New Mexico, who served in the armed forces of the
16 United States ~~[between September 14, 1940 and July 1, 1946 or~~
17 ~~who served in such armed forces after June 1, 1950], who was~~
18 ~~honorably discharged and who suffered the loss or complete~~
19 ~~and total loss of use of one or both legs at or above the~~
20 ~~ankle or one or both arms at or above the wrist while so~~
21 ~~serving or from a service-connected cause [B. A veteran]~~
22 ~~shall be exempt from payment of any motor vehicle~~
23 ~~registration fees to the state on one vehicle a year owned by~~
24 ~~[said veteran] the person."~~

25 Section 54. Section 66-6-17 NMSA 1978 (being Laws 1978,

1 Chapter 35, Section 352, as amended) is amended to read:

2 "66-6-17. [~~SPECIAL~~] DEALER PLATE FEES.--

3 A. Except as provided otherwise in Subsection C
 4 of this section, every dealer [~~or auto recycler~~], except a
 5 dealer in motorcycles only, shall pay each license year fifty
 6 dollars (\$50.00) for each [~~special~~] dealer plate issued
 7 pursuant to Section 66-3-402 NMSA 1978 to the dealer [~~or auto~~
 8 ~~recycler~~] for that license year.

9 B. Except as provided otherwise in Subsection C
 10 of this section, every dealer in motorcycles only shall pay
 11 each license year ten dollars (\$10.00) for each [~~special~~]
 12 dealer plate issued pursuant to Section 66-3-402 NMSA 1978 to
 13 the dealer for that license year.

14 C. In the event a [~~special~~] dealer plate is lost,
 15 mutilated or becomes illegible, a dealer, [~~auto recycler or~~]
 16 including a dealer in motorcycles only, shall obtain a
 17 replacement plate pursuant to the provisions of Section
 18 66-3-24 NMSA 1978. The fee for a replacement [~~special~~]
 19 dealer plate shall be fifty dollars (\$50.00) for a dealer or
 20 [~~auto recycler and~~] ten dollars (\$10.00) for a dealer in
 21 motorcycles only."

22 Section 55. Section 66-6-19 NMSA 1978 (being Laws 1978,
 23 Chapter 35, Section 354) is amended to read:

24 "66-6-19. VEHICLE TRANSACTION FEES.--

25 A. For any transaction concerning the initial

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1 issuance, transfer or revocation of a title or registration,
2 including filing and recording documents, releasing liens and
3 certifying copies, the division shall charge three dollars
4 (\$3.00). As used in this subsection, "transaction" means all
5 operations necessary at one time with respect to one vehicle,
6 including the inspection required by Section [~~64-3-4 NMSA~~
7 ~~1953~~] 66-3-4 NMSA 1978.

8 B. No fee shall be charged by the division for
9 the correction of documents or the issuance of documents in
10 cases in which the division made errors in the original
11 issuance of the documents."

12 Section 56. Section 66-6-22.1 NMSA 1978 (being Laws
13 1990, Chapter 120, Section 34, as amended) is amended to
14 read:

15 "66-6-22.1. MOTOR VEHICLE SUSPENSE FUND CREATED--
16 RECEIPTS--DISBURSEMENTS.--

17 A. There is created in the state treasury a fund
18 to be known as the "motor vehicle suspense fund".

19 B. The fees collected under the provisions of
20 Sections 66-1-1 through 66-6-19 NMSA 1978 shall be paid to
21 the state treasurer for the credit of the motor vehicle
22 suspense fund not later than the close of the second business
23 day after their receipt, except as otherwise provided by the
24 Off-Highway Motor Vehicle Act.

25 C. Money deposited to the credit of or disbursed
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[bracketed material] = delete

1 from the motor vehicle suspense fund by the department shall
 2 be accounted for as provided by law [~~or~~], rule or procedure
 3 of the secretary of finance and administration.

4 [~~Disbursements from the motor vehicle suspense fund shall be~~
 5 ~~made by the department of finance and administration upon~~
 6 ~~request and certification of their appropriateness by the~~
 7 ~~secretary of finance and administration or the secretary's~~
 8 ~~delegate.~~]

9 D. The balance of the motor vehicle suspense fund
 10 is appropriated for the purpose of making refunds,
 11 distributions and other disbursements authorized or required
 12 by law to be made from the motor vehicle suspense fund,
 13 provided that no distribution shall be made to a
 14 municipality, county or fee agent operating a motor vehicle
 15 field office with respect to money collected and remitted to
 16 the department by that municipality, county or fee agent
 17 until the report of the municipality, county or fee agent is
 18 audited and accepted by the department."

19 Section 57. A new section of the Motor Vehicle Code,
 20 Section 66-6-22.2 NMSA 1978, is enacted to read:

21 "66-6-22.2. [NEW MATERIAL] ADJUSTMENTS OF DISBURSEMENTS
 22 FROM THE MOTOR VEHICLE SUSPENSE FUND.--

23 A. The provisions of this section apply to
 24 disbursements from the motor vehicle suspense fund.

25 B. If the secretary determines that a prior

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1 disbursement from the fund is erroneous, the secretary shall,
2 pursuant to law, rules or procedures of the department of
3 finance and administration, adjust future disbursements by
4 the amount necessary to correct the error.

5 C. The secretary may, in lieu of recovering the
6 entire erroneous amount from the next disbursement, recover
7 an excess disbursement of one thousand dollars (\$1,000) or
8 more in installments from current and future disbursements
9 pursuant to a written agreement whenever the amount of the
10 disbursement decrease exceeds ten percent of the average
11 disbursement amount for that recipient for the twelve months
12 preceding the month in which the secretary's determination is
13 made; provided that, for the purposes of this subsection, the
14 "average disbursement amount" shall be the arithmetic mean of
15 the disbursement amounts within the twelve months immediately
16 preceding the month in which the determination is made.

17 D. Except for the provisions of this section, if
18 the amount by which a disbursement would be adjusted pursuant
19 to Subsection B of this section is one thousand dollars
20 (\$1,000) or less, no adjustment shall be made.

21 E. In the event an adjustment authorized by this
22 section requires a disbursement for which there is no equal
23 offsetting receipt, the general fund disbursement shall be
24 reduced by the difference between the offsetting receipt and
25 the adjustment."

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1 Section 58. Section 66-7-352.1 NMSA 1978 (being Laws
2 1983, Chapter 45, Section 1, as amended) is amended to read:

3 "66-7-352.1. SHORT TITLE.--Sections 66-7-352.1 through
4 66-7-352.6 NMSA 1978 may be cited as the "[~~Disabled~~]
5 Accessible Parking Standards and Enforcement Act"."

6 Section 59. Section 66-7-352.2 NMSA 1978 (being Laws
7 1983, Chapter 45, Section 2) is amended to read:

8 "66-7-352.2. LEGISLATIVE INTENT.--The policy and intent
9 of this legislature is declared to be as follows:

10 A. that this legislature finds there is a
11 significant safety hazard for [~~mobility-impaired~~] persons
12 with significant mobility limitation crossing through parking
13 lots and that this hazard is greatly reduced when parking is
14 provided adjacent to a building entrance;

15 B. that [~~many~~] commercial and governmental
16 establishments [~~now~~] provide reserved parking for [~~disabled~~]
17 persons with significant mobility limitation, thus ensuring
18 full and equal opportunity for [~~the disabled~~] those persons
19 to maintain independence and self-respect; and

20 C. that ultimately society will benefit from the
21 increased interaction of [~~the disabled~~] persons with
22 significant mobility limitation with the mainstream that
23 these parking spaces will provide."

24 Section 60. Section 66-7-352.4 NMSA 1978 (being Laws
25 1983, Chapter 45, Section 4, as amended) is amended to read:

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"66-7-352.4. PARKING LOTS--STANDARDS.--

A. Every parking lot coming under the provisions of the ~~[Disabled]~~ Accessible Parking Standards and Enforcement Act shall have designated ~~[disabled]~~ accessible parking spaces for persons with significant mobility limitation as provided in Subsection B of this section. No building permit shall be issued by any local government for the construction or substantial renovation of a commercial building inviting public access unless the parking lot has designated ~~[disabled]~~ accessible parking spaces for persons with significant mobility limitation as delineated in Subsection B of this section.

B. The minimum numbers of designated ~~[disabled]~~ accessible parking spaces for persons with significant mobility limitation are as follows:

TOTAL <u>PARKING</u> SPACES IN	[MINIMUM DESIGNATED DISABLED
[PARKING] LOT	PARKING SPACES]
	<u>REQUIRED MINIMUM NUMBER OF</u>
	<u>PARKING SPACES FOR PERSONS</u>
	<u>WITH SIGNIFICANT MOBILITY</u>
	<u>LIMITATION</u>
1 to 25	1
26 to 35	2
36 to 50	3
51 to 100	4

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1	101 to 300	8
2	301 to 500	12
3	501 to 800	16
4	801 to 1,000	20
5	more than 1,000	20, plus 1 for
6		each
7		100 over 1,000.

8 The designated ~~[disabled]~~ accessible parking spaces for
9 persons with significant mobility limitation shall be located
10 so as to provide the most convenient access to entranceways
11 or to the nearest curb cut. Every parking lot shall have at
12 least one designated ~~[disabled]~~ accessible parking space for
13 persons with significant mobility limitation designed to
14 accommodate a motor vehicle passenger van, and there shall be
15 a minimum of one such space for every eight designated
16 ~~[disabled]~~ accessible parking spaces for persons with
17 significant mobility limitation."

18 Section 61. Section 66-7-352.5 NMSA 1978 (being Laws
19 1983, Chapter 45, Section 5, as amended) is amended to read:

20 "66-7-352.5. UNAUTHORIZED USE--PENALTIES.--

21 A. It is unlawful for any person to park a motor
22 vehicle not displaying a special registration plate or a
23 parking placard issued pursuant to Section 66-3-16 NMSA 1978
24 in a designated ~~[disabled]~~ accessible parking space for
25 persons with significant mobility limitation.

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1 B. It is unlawful for any person to park a motor
2 vehicle in such a manner so as to block access to any part of
3 a curb cut designed for access by persons with [~~severe~~
4 ~~mobility impairment~~] significant mobility limitation.

5 C. [~~Any~~] A person convicted of violating
6 Subsection A or B of this section is subject to a fine of not
7 less than two hundred fifty dollars (\$250) or more than five
8 hundred dollars (\$500). Failure to properly display a
9 parking placard or special registration plate issued pursuant
10 to Section 66-3-16 NMSA 1978 is not a defense against a
11 charge of violation of Subsection A or B of this section.

12 D. A vehicle parked in violation of Subsection A
13 or B of this section is subject to being towed at the expense
14 of the vehicle owner upon authorization by law enforcement
15 personnel or by the property owner or manager of a parking
16 lot."

17 Section 62. Section 66-7-505 NMSA 1978 (being Laws
18 1978, Chapter 35, Section 492, as amended) is amended to
19 read:

20 "66-7-505. ADVISORY COMMITTEE--CREATION--MEMBERS--
21 TERMS.--

22 A. There is created a five-member advisory
23 committee to the bureau. The chief is, ex officio, the
24 [~~chairman~~] chair and a voting member of the committee. The
25 governor shall appoint three members, to terms coterminous

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1 with ~~[his]~~ the governor's tenure, who shall have the
 2 following qualifications:

3 (1) one member who is representative of the
 4 law enforcement agencies of this state;

5 (2) one member who is representative of the
 6 school bus transportation function of the ~~[state department~~
 7 ~~of]~~ public education department; and

8 (3) one member who is representative of the
 9 motor transportation division of the ~~[taxation and revenue]~~
 10 department of public safety.

11 B. Appointees who are public officers or public
 12 employees shall be compensated for attendance at meetings
 13 according to the Per Diem and Mileage Act. Appointees who
 14 are not public officers or employees shall be compensated for
 15 attendance at meetings in commensurate amount."

16 Section 63. Section 66-7-513 NMSA 1978 (being Laws
 17 2003, Chapter 148, Section 2) is amended to read:

18 "66-7-513. SAFE ROUTES TO SCHOOL PROGRAM.--

19 A. The "safe routes to school program" is created
 20 within the department to increase and make safer a student's
 21 ability to walk or ride a bicycle to school.

22 B. The program may be established to:

23 (1) provide assistance to the state,
 24 counties and municipalities to identify school route hazards
 25 and implement engineering improvements, including:

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- 1 (a) installing sidewalks;
2 (b) painting crosswalks and other
3 street and sidewalk areas;
4 (c) installing traffic signals;
5 (d) making street improvements;
6 (e) providing lighting;
7 (f) providing bus shelters,
8 particularly in isolated or rural areas;
9 (g) cutting curbs for ~~handicapped~~
10 access for persons with significant mobility limitation; and
11 (h) other safety improvements;
12 (2) develop criteria, in conjunction with
13 the department's bicycle, pedestrian and equestrian
14 committee, school districts and law enforcement agencies and
15 with input from parents, teachers and school administrators,
16 to be used in evaluating the applications of the program; and
17 (3) include information about the safe
18 routes to school program in public awareness campaigns about
19 traffic safety."

20 Section 64. Section 66-8-124 NMSA 1978 (being Laws
21 1961, Chapter 213, Section 3, as amended) is amended to read:

22 "66-8-124. ARRESTING OFFICER TO BE IN UNIFORM.--

23 A. No person shall be arrested for violating the
24 Motor Vehicle Code or other law relating to motor vehicles
25 punishable as a misdemeanor except by a commissioned,

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1 salaried peace officer who, at the time of arrest, is wearing
 2 a uniform clearly indicating [~~his~~] the peace officer's
 3 official status.

4 B. Notwithstanding the provisions of Subsection A
 5 of this section, a municipality may provide by ordinance that
 6 uniformed private security guards may be commissioned by the
 7 local police agency to issue parking citations for violations
 8 of clearly and properly marked fire zones and [~~handicapped~~]
 9 access zones for persons with significant mobility
 10 limitation. Prior to the commissioning of any security
 11 guard, the employer of the security guard shall agree in
 12 writing with the local police agency to [~~said~~] the
 13 commissioning of the employer's security guard. The employer
 14 of any security guard commissioned under the provisions of
 15 this section shall be liable for the actions of that security
 16 guard in carrying out [~~his~~] the security guard's duties
 17 pursuant to that commission. Notwithstanding the provisions
 18 of the Tort Claims Act, private security guards commissioned
 19 under this section shall not be deemed public employees under
 20 that act."

21 Section 65. A new section of the Motor Vehicle Code is
 22 enacted to read:

23 "[NEW MATERIAL] FRAUD IN OBTAINING DOCUMENTS ISSUED BY
 24 THE DIVISION--PENALTY.--

25 A. It is a felony for a person to:

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1 (1) knowingly issue an identification card,
2 driver's license, vehicle or vessel registration or vehicle
3 or vessel title to a person who is not lawfully entitled to
4 issuance of that document;

5 (2) knowingly accept and use fraudulent
6 documents as a basis for issuing an identification card,
7 driver's license, vehicle or vessel registration or vehicle
8 or vessel title;

9 (3) knowingly alter a record of an
10 identification card, driver's license, vehicle or vessel
11 registration or vehicle or vessel title without legal
12 justification; or

13 (4) solicit or accept, directly or
14 indirectly, anything of value with the intent to influence a
15 decision or action on an identification card, a driver's
16 license, a vehicle or vessel registration or a vehicle or
17 vessel title.

18 B. A person convicted of violating this section
19 is guilty of a third degree felony and shall be sentenced
20 pursuant to the provisions of Section 31-18-15 NMSA 1978."

21 Section 66. A new section of the Taxation and Revenue
22 Department Act is enacted to read:

23 "[NEW MATERIAL] BACKGROUND INVESTIGATIONS--DUTIES--
24 EMPLOYEES--CONDITION OF EMPLOYMENT.--

25 A. An employee of the department who has access

1 to or who is assigned to perform work associated with
2 driver's licenses shall submit to a background investigation
3 as required by the secretary.

4 B. An applicant seeking employment with the
5 department who may have access to or who may be assigned to
6 perform work associated with driver's licenses shall submit
7 to a background investigation as required by the secretary.

8 C. The secretary shall ensure that fingerprints
9 as required for a national criminal history records search
10 and state background investigation are provided by:

11 (1) an employee of the department who has
12 access to or is assigned to perform work associated with
13 driver's licenses; or

14 (2) an applicant seeking employment with
15 the department who may have access to or who may be assigned
16 to perform work associated with driver's licenses.

17 D. The information obtained in a background
18 investigation shall be used only to determine if a person
19 required to submit to a background investigation pursuant to
20 this section has been convicted of a crime that has a direct
21 impact on the ability of that person to meet federal
22 requirements or to perform the specific duties assigned to
23 that person. The secretary may determine not to continue to
24 employ or not to initiate employment of a person whose
25 criminal background investigation contains information that

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1 the person has been convicted of a crime that involved
2 actions that:

3 (1) directly reflect on the person's
4 ability to perform the specific duties of that person's
5 position or proposed position; or

6 (2) would conflict with federal
7 requirements.

8 E. Information obtained pursuant to a background
9 investigation shall be confidential and shall only be used
10 for determining the fitness of a person to remain or become
11 employed with the department or to comply with federal
12 requirements regarding employees who have access to or who
13 may be assigned to perform work associated with driver's
14 licenses."

15 Section 67. REPEAL.--Sections 66-3-15.1 and 74-4F-1
16 through 74-4F-8 NMSA 1978 (being Laws 2001, Chapter 180,
17 Section 1 and Laws 1996, Chapter 37, Sections 1 through 8, as
18 amended) are repealed.